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ILLINOIS REGISTER

Rules of Governmental Agencies

TABLE OF CONTENTS

PROPOSED RULES

PAGE

COMMERCE COMMISSION, ILLINOIS

Imposition of Sanctions Including the Suspension or Revocation of Licenses &/or the Assessment of Civil Penalties (G.O. 3(R)); 92 Ill. Adm. Code 1730	9061
Minimum Safety Standards for Transportation of Gas & for Gas Pipeline Facilities; 83 Ill. Adm. Code 590	9067
Sanctions Including Suspension or Revocation of Operating Authorities &/or the Assessment of Civil Penalties (G.O. 54 (MC)); 92 Ill. Adm. Code 1435	9070
Uniform System of Accounts for Telecommunications Carriers; 83 Ill. Adm. Code 710	9076

EDUCATION, STATE BOARD OF

Private Business & Vocational Schools; 23 Ill. Adm. Code 451, Repeal of	9082
Private Business & Vocational Schools; 23 Ill. Adm. Code 451	9133

INSURANCE, DEPARTMENT OF

Long-Term Care Insurance; 50 Ill. Adm. Code 2012	9181
--	------

POLLUTION CONTROL BOARD

Effluent Standards; 35 Ill. Adm. Code 304	9204
Hazardous Air Pollutants; 35 Ill. Adm. Code 231, Repeal of	9212
New Source Performance Standards; 35 Ill. Adm. Code 230, Repeal of	9223

PUBLIC AID, DEPARTMENT OF

Medical Assistance Programs; 89 Ill. Adm. Code 120	9250
--	------

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

State of Ill. Dependent Care Assistance Plan; 80 Ill. Adm. Code 2110	9259
--	------

CONSERVATION, DEPARTMENT OF

North Point Marina; 17 Ill. Adm. Code 220	9269
---	------

ILLINOIS, BOARD OF TRUSTEES OF THE UNIVERSITY OF

Program Content & Guidelines for Division of Services for Crippled Children; 89 Ill. Adm. Code 1200	9283
---	------

INVESTMENT, ILLINOIS STATE BOARD OF

State (of Ill.) Employees' Deferred Compensation Plan; 80 Ill. Adm. Code 2700	9308
---	------

(continued on next page)

REHABILITATION SERVICES, DEPARTMENT OF

Responsibility for Special Education; 89 Ill. Adm. Code 760 9329

REVENUE, DEPARTMENT OF

Automobile Renting Occupation Tax; 86 Ill. Adm. Code 180 9332
County Supplementary Retailers' Occupation Tax; 86 Ill. Adm. Code 600 9336
County Supplementary Service Occupation Tax; 86 Ill. Adm. Code 610 9348
County Supplementary Use Tax; 86 Ill. Adm. Code 620 9357
County Water Commission Retailers' Occupation Tax; 86 Ill. Adm. Code 630 9362
County Water Commission Service Occupation Tax; 86 Ill. Adm. Code 640 9374
County Water Commission Use Tax; 86 Ill. Adm. Code 650 9383
Service Occupation Tax; 86 Ill. Adm. Code 140 9388
Service Use Tax; 86 Ill. Adm. Code 160 9399

AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES**CONSERVATION, DEPARTMENT OF**

North Point Marina; 17 Ill. Adm. Code 220, Modification 9409

PUBLIC HEARINGS**PROFESSIONAL REGULATION, DEPARTMENT OF**

Psychologist Registration Act; 68 Ill. Adm. Code 1400 9410

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received 9411

EXECUTIVE ORDERS AND PROCLAMATIONS**PROCLAMATIONS**

89-271 - Sri Chinmoy Silver Jubilee Day 9413
89-272 - St. Paul Federal Day 9414
89-273 - Korea Unification Day 9415
89-274 - Blood Donor Awareness Month 9416
89-275 - Forgotten Eyes Day 9417
89-276 - Talent-Linkage-Chicago Day 9418
89-277 - Child Care Association Day 9419
89-278 - Safe Boating Week 9420

CUMULATIVE INDEX

1989 Index - Issue #1 thru Issue #24 CI-1

SECTIONS AFFECTED INDEX

1989 Index - Issue #1 thru #23 SAI-1
1989 Index - Issue #24 SAI-40

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

1) Heading of the Part: Imposition of Sanctions Including the Suspension or Revocation of Licenses and/or the Assessment of Civil Penalties (General Order 3(R))

2) Code Citation: 92 Ill. Adm. Code 1730

3) Section Numbers: 1730.15
1730.20
Proposed Action: New Section Amendment

4) Statutory Authority: Implementing Sections 18a-200 and 18a-307 and authorized by Section 18a-200 of the Illinois Commercial Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18a-200 and 18a-307).

5) A Complete Description of the Subjects and Issues Involved: Part 1730 represents the Commission's policies in enforcement concerning relocators. The proposed amendments describe the Commission's practices in the areas of settlement agreements and the initiation of enforcement proceedings.

6) Will these proposed amendments replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Director of Processing
Transportation Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

Comments should be filed with the Director of Processing within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 2, 1989
- B) Types of small businesses affected: This rulemaking will affect those relocators that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Filing.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS
TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: RELOCATION TOWING

PART 1730
IMPOSITION OF SANCTIONS INCLUDING THE SUSPENSION OR REVOCATION
OF LICENSES AND/OR THE ASSESSMENT OF CIVIL PENALTIES
{GENERAL ORDER 3 (R)}

- Section
1730.10 General Provision -- Applicability
1730.15 Settlement in Lieu of Formal Operating Practices Proceeding
1730.20 Initiation of Operating Practices Proceeding
1730.30 Service of Order
1730.40 Respondent's Reply -- Failure to Appear at Hearing
1730.50 Civil Penalties -- Method of Payment
1730.60 Commission Order After Hearing -- Civil Penalties

AUTHORITY: Implementing Sections 18a-200 and 18a-307 and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18a-200 and 18a-307).

SOURCE: Adopted at 6 Ill. Reg. 10544, effective August 3, 1982; codified at 8 Ill. Reg. 5158; Part recodified at 10 Ill. Reg. 18012; amended at Ill. Reg. , effective .

Section 1730.15 Settlement in Lieu of Formal Operating Practices Proceeding

Prior to the institution of formal enforcement proceedings before the Illinois Commerce Commission ("Commission") a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Illinois Commercial Relocation of Trespassing Vehicles Law ("Law") (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18a-100 et seq.).

- a) The Notice of Alleged Violation and Opportunity to Settle ("NAVOS") setting forth the alleged violations of the Law or rules of the Commission shall be served on the respondent and shall specify the procedure for the respondent to exercise his option to settle. The respondent shall have 20 days from the date of service to exercise his option to settle.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

- b) Monetary settlements specified in the NAVOS shall be based upon the minimum and maximum amounts as set forth in Section 18c-1704(2) of the Illinois Commercial Transportation Law ("ICTL") (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18c-1704(2)).

- c) An amount less than the minimum established in the NAVOS may be agreed upon between the staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement which shall be presented to the Commission for approval or rejection pursuant to the provisions of Section 18c-1705 of the ICTL.

- d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, whether the violation(s) was the result of willful conduct or an incorrect, but colorable interpretation of the Law, his cooperation with authorities in the resolution of the dispute, and his willingness to comply with the Law and Commission rules, the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.

- e) If a settlement agreement is not reached, the matter will be set for hearing before a Commission Hearing Examiner.

- f) The respondent's right to a hearing and his position at hearing will not be prejudiced in any way if settlement is not reached.

(Source: Added at Ill. Reg. , effective)

Section 1730.20 Initiation of Operating Practices Proceeding

- a) An enforcement proceeding shall be initiated by the issuance of a Complaint which shall set forth the alleged violations of the Law. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission. If service cannot be effected by certified mail, personal service will be accomplished by a uniformed Commission enforcement officer.

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

b) The respondent shall have 20 days from the date of service to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.

c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200 (Rules of Practice) and with the provisions of Section 18c-1704 of the law.

d) Respondent's failure to appear at a hearing or otherwise respond to a complaint shall constitute a waiver of the respondent's right to contest the alleged violation(s). Commission staff shall present evidence in support of its allegations, and the Commission is authorized without further notice or hearing to make findings and may forthwith order the imposition of sanctions including, where applicable, the assessment of a civil penalty.

a) An enforcement proceeding shall be initiated by the issuance of a Complaint which shall set forth the alleged violations of the Law. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.

b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.

c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200, Rules of Practice, and with the provisions of Section 18c-1704 of the ICTL.

d) Respondent's failure to appear at a hearing or otherwise respond to a complaint shall constitute a waiver of the respondent's right to contest the alleged violation(s).

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Commission staff shall present evidence in support of its allegations and the Commission is authorized, without further notice or hearing, to make findings and may forthwith order the imposition of sanctions including, where applicable, the assessment of a civil penalty.

(Source: Amended at Ill. Reg. , effective)

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities
- 2) Code Citation: 83 Ill. Adm. Code 590
- 3) Section Numbers:
590.10
Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 553).
- 5) A Complete Description of the Subjects and Issues Involved:
Part 590 incorporates by reference 49 CFR 192 and 193 as the Commission's safety standards for transportation of gas and for gas pipeline facilities. Section 3 of the Illinois Gas Pipeline Safety Act requires the Commission's rules to be as inclusive and as stringent as the Federal safety standards and compatible with the Federal safety standards. The current rule adopts the regulations in the Code of Federal Regulations as of January 1, 1988. The proposed amendment will update the reference to the Code of Federal Regulations and will correct language in Section 590.10(a).
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: The proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 2, 1989
- B) Types of small businesses affected: These amendments will affect those gas utilities and gas pipeline companies that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: Engineering.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIESPART 590
MINIMUM SAFETY STANDARDS FOR TRANSPORTATION OF GAS AND FOR
GAS PIPELINE FACILITIESSection
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 553).

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1986; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12998; amended at Ill. Reg. effective

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 192 and 193 as of January 1, 1989, as its minimum safety standards for the transportation of gas and for gas pipeline safety facilities.
- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at Ill. Reg. , effective)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sanctions Including Suspension Or Revocation of Operating Authorities and/or the Assessment of Civil Penalties (General Order 54 (MC))
- 2) Code Citation: 92 Ill. Adm. Code 1435
- 3) Section Numbers: Proposed Action:
1435.15 New Section
1435.20 Amendment
- 4) Statutory Authority: Implementing Section 18c-1704 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1704 and 18c-1202).
- 5) A Complete Description of the Subjects and Issues Involved: Part 1435 represents the Commission's policies in enforcement concerning motor carriers of property. The proposed amendments describe the Commission's practices in the areas of settlement agreements and the initiation of enforcement proceedings.
- 6) Will these proposed amendments replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

Director of Processing
Transportation Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

Comments should be filed with the Director of processing within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 2, 1989
- B) Types of small businesses affected: This rulemaking will affect those motor carriers of property that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Filing.
- D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: MOTOR CARRIERS OF PROPERTY

PART 1435

SANCTIONS INCLUDING SUSPENSION OR REVOCATION OF OPERATING AUTHORITIES AND/OR THE ASSESSMENT OF CIVIL PENALTIES
+GENERAL ORDER 54 +MG++

Section

- 1435.10 General Provisions - Applicability
- 1435.15 Settlement in Lieu of Formal Enforcement Proceeding
- 1435.20 Initiation of Enforcement Proceeding
- 1435.30 Service of Order
- 1435.40 Respondent's Reply - Failure to Appear at Hearing
- 1435.50 Civil Penalties - Method of Payment
- 1435.60 Commission Order After Hearing - Civil Penalties

AUTHORITY: Implementing Section 18c-1704 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law, (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1704 and 18c-1202).

SOURCE: Adopted at 6 Ill. Reg. 14816, effective November 19, 1982; codified at 8 Ill. Reg. 5153; amended at 10 Ill. Reg. 3820, effective February 10, 1986; Part recodified at 10 Ill. Reg. 18002; amended at Ill. Reg. , effective

Section 1435.15 Settlement in Lieu of Formal Enforcement Proceeding

Prior to the institution of formal enforcement proceedings before the Illinois Commerce Commission ("Commission") a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Illinois Commercial Transportation Law ("Law") (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1101 et seq.).

a) The Notice of Alleged Violation and Opportunity to Settle ("NAVOS") setting forth the alleged violations of the Law or rules of the Commission shall be served on the respondent and shall specify the procedure for the respondent to exercise his option to settle.

b) Monetary settlements specified in the NAVOS shall be based upon the minimum and maximum amounts as set forth in Section 18c-1704(2) of the Law.

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- c) An amount less than the minimum established in the NAVOS may be agreed upon between the staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement which shall be presented to the Commission for approval or rejection pursuant to the provisions of Section 18c-1705 of the Law.

- d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, whether the violation(s) was the result of willful conduct or an incorrect, but colorable interpretation of the Law, his cooperation with authorities in the resolution of the dispute, and his willingness to comply with the Law and Commission rules, the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.

- e) If a settlement agreement is not reached, the matter will be set for hearing before a Commission Hearing Examiner.

- f) The respondent's right to a hearing and his position at hearing will not be prejudiced in any way if settlement is not reached.

(Source: Added at Ill. Reg. , effective)

Section 1435.20 Initiation of Enforcement Proceeding

- a) An enforcement proceeding shall be initiated by the issuance of a Complaint which shall set forth the alleged violations of the Law. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission. If service cannot be effected by certified mail, personal service will be accomplished by a uniformed Commission enforcement officer.

- b) The respondent shall have 20 days from the date of service to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing.

ILLINOIS REGISTER

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Notice of the time, date and place for the hearing shall be mailed to the respondent.

- e) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200 (Rules of Practice) and with the provisions of Section 18c-1704 of the Law.

- d) Respondent's failure to appear at a hearing or otherwise respond to a complaint shall constitute a waiver of the respondent's right to contest the alleged violation(s). Commission staff shall present evidence in support of its allegations, and the Commission is authorized, without further notice or hearing, to make findings and may forthwith order the imposition of sanctions including, where applicable, the assessment of a civil penalty.

- a) An enforcement proceeding shall be initiated by the issuance of a Complaint which shall set forth the alleged violations of the Law. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.

- b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.

- c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200, Rules of Practice, and with the provisions of Section 18c-1704 of the Law.

- d) Respondent's failure to appear at a hearing or otherwise respond to a complaint shall constitute a waiver of the respondent's right to contest the alleged violation(s). Commission staff shall present evidence in support of its allegations and the Commission is authorized, without further notice or hearing, to make findings and may forthwith order the imposition of sanctions

ILLINOIS REGISTER
ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

including, where applicable, the assessment of a civil penalty.

(Source: Amended at Ill. Reg. , effective)

1) Heading of the Part: Uniform System of Accounts for Telecommunications Carriers

2) Code Citation: 83 Ill. Adm. Code 710

3) Section Numbers: Proposed Action:

710.1

Amendment

4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

5) A Complete Description of the Subjects and Issues Involved:
83 Ill. Adm. Code 710, "Uniform System of Accounts for Telecommunications Carriers," incorporates by reference 47 CFR 32, with certain specified exceptions, as the Commission's uniform system of accounts ("USOA") for telecommunications carriers. Part 710 currently incorporates 47 CFR 32 as of January 1, 1988. The Federal Communications Commission ("FCC") has amended Part 32, effective May 22, 1989. It is appropriate to amend the Commission's USOA to reflect the changes made by the FCC. The FCC's amendments involve the separation of regulated and nonregulated costs.

6) Will this proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? Yes.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: The proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 2, 1989

B) Types of small businesses affected: This amendment will affect those telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping.

D) Types of professional skills necessary for compliance: Accounting.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 710

UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS CARRIERS

Section	
710.1	Adoption of 47 CFR 32 by Reference
710.3	Authority
710.4	Communications Act
710.11	Classification of companies
710.13	Accounts - General
710.14	Regulated accounts
710.16	Changes in accounting standards
710.17	Interpretation of accounts
710.18	Waivers
710.19	Address for reports and correspondence
710.22	Comprehensive interperiod tax allocation
710.23	Nonregulated activities
710.25	Unusual items and contingent liabilities
710.27	Transactions with affiliates
710.100	List of retirement units
710.105	Retirement units for use in conjunction with Account 2112 "Motor vehicles"
710.110	Retirement units for use in conjunction with Account 2113 "Aircraft"
710.115	Retirement units for use in conjunction with Account 2114 "Special purpose vehicles"
710.120	Retirement units for use in conjunction with Account 2115 "Garage work equipment"
710.125	Retirement units for use in conjunction with Account 2116 "Other work equipment"
710.130	Retirement units for use in conjunction with Account 2121 "Buildings"
710.135	Retirement units for use in conjunction with Account 2122 "Furniture"
710.140	Retirement units for use in conjunction with Account 2123.1 "Office support equipment"
710.145	Retirement units for use in conjunction with Account 2123.2 "Company communications equipment"
710.150	Retirement units for use in conjunction with Account 2124 "General purpose computers"
710.155	Retirement units for use in conjunction with Account 2211 "Analog electronic switching"

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

710.160 Retirement units for use in conjunction with Account
 2212 "Digital electronic switching"
 710.165 Retirement units for use in conjunction with Account
 2215 "Electro-mechanical switching"
 710.170 Retirement units for use in conjunction with Account
 2220 "Operator system"
 710.175 Retirement units for use in conjunction with Account
 2231 "Radio system"
 710.180 Retirement units for use in conjunction with Account
 2232 "Circuit equipment"
 710.185 Retirement units for use in conjunction with Account
 2321 "Customer premises wiring"
 710.190 Retirement units for use in conjunction with Account
 2351 "Public telephone terminal equipment"
 710.200 Retirement units for use in conjunction with Account
 2362 "Other terminal equipment"
 710.205 Retirement units for use in conjunction with Account
 2411 "Poles"
 710.210 Retirement units for use in conjunction with Account
 2421 "Aerial cable"
 710.215 Retirement units for use in conjunction with Account
 2422 "Underground cable"
 710.220 Retirement units for use in conjunction with Account
 2423 "Buried cable"
 710.225 Retirement units for use in conjunction with Account
 2424 "Submarine cable"
 710.230 Retirement units for use in conjunction with Account
 2426 "Intrabuilding network cable"
 710.235 Retirement units for use in conjunction with Account
 2431 "Aerial wire"
 710.240 Retirement units for use in conjunction with Account
 2441 "Conduit systems"
 710.1160 Account 1160 Temporary investments
 710.1180 Account 1180 Telecommunications accounts receivable
 710.1181 Account 1181 Accounts receivable allowance - Telecommunications
 710.1190 Account 1190 Other accounts receivable
 710.1191 Account 1191 Accounts receivable allowance - Other
 710.1200 Account 1200 Notes receivable
 710.1201 Account 1201 Notes receivable allowance
 710.1401 Account 1401 Investments in affiliated companies
 710.1438 Account 1438 Deferred maintenance and retirements
 710.2000 Instructions for telecommunications plant accounts
 710.2002 Account 2002 Property held for future telecommunications use
 710.2231 Account 2231 Radio system

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

710.2232 Account 2232 Circuit equipment
 710.2690 Account 2690 Intangibles
 710.4010 Account 4010 Accounts payable
 710.4020 Account 4020 Notes payable
 710.4100 Account 4100 Net current deferred operating income taxes
 710.4110 Account 4110 Net current deferred nonoperating income taxes
 710.4340 Account 4340 Net noncurrent deferred operating income taxes
 710.4350 Account 4350 Net noncurrent deferred nonoperating income taxes
 710.4999 General Revenue Accounts
 710.5082 Account 5082 Switched access revenue
 710.5083 Account 5083 Special access revenue
 710.5999 General - Expense Accounts
 710.7250 Account 7250 Provision for deferred operating income taxes - net
 710.7450 Account 7450 Provision for deferred nonoperating income taxes - net
 710.9000 Glossary of Terms

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

SOURCE: Adopted April 15, 1974; amended at 2 Ill. Reg. 52, p. 473, effective January 1, 1979; codified at 7 Ill. Reg. 15919; amended at 7 Ill. Reg. 15972, effective November 18, 1983; emergency amendment at 8 Ill. Reg. 7636, effective May 17, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21231, effective October 15, 1984; amended at 9 Ill. Reg. 4029, effective April 1, 1985; amended at 9 Ill. Reg. 9453, effective June 10, 1985; amended at 9 Ill. Reg. 18912, effective November 20, 1985; amended at 10 Ill. Reg. 161, effective December 23, 1985; emergency amendment at 10 Ill. Reg. 775, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10526, effective May 30, 1986; amended at 11 Ill. Reg. 9035, effective May 1, 1987; emergency repealer and emergency rules adopted at 12 Ill. Reg. 1295, effective January 1, 1988, for a maximum of 150 days; Part repealed, new Part adopted at 12 Ill. Reg. 9645, effective May 25, 1988; amended at 13 Ill. Reg. 7570, effective May 15, 1989; amended at 111. Reg. , effective

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

451.490
451.495
Appendix A

Repeal
Repeal
Repeal

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 144, par. 136 et seq.
- 5) A Complete Description Of The Subjects And Issues Involved: The State Board of Education is proposing to repeal this current version of Part 451 and to replace it with a new Part 451 governing private business and vocational schools.
- 6) Will This Proposed Rule Replace An Emergency Rule Currently In Effect?
No
- 7) Does This Rulemaking Contain An Automatic Repeal Date? No
- 8) Does this proposed repealer contain incorporation by reference? No
- 9) Are There Any Other Amendments Pending On This Part? No
- 10) Statement Of Statewide Policy Objectives: Adoption of this repealer will not create or enlarge a State mandate.
- 11) Time, Place, And Manner In Which Interested Persons May Comment On This Proposed Rulemaking: Written Comments must be received no later than the close of business on August 15, 1989. Comments should be addressed to:

Roy McDermott
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5518

In addition, a public hearing will be held to receive comments on these rules. The hearing will be held on July 18, 1989, in Room 9-040 (9th Floor), State of Illinois Center, 100 West Randolph Street, Chicago, starting at 10:00 a.m. and concluding at 2:00 p.m. Hearing procedures are as follows:

1. Speakers will be heard in the order that their names appear on a registration list located at the hearing room door. The list will be available thirty (30) minutes before the start of the hearing.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

2. Oral testimony will be limited to five (5) minutes and must be accompanied by written testimony which may be of any length.
3. Oral and written testimony must identify, by the numbering system contained in the rules, the specific rule being addressed.
4. Ten (10) copies of the written testimony must be provided and left at the registration table at the time of sign up in order that an accurate record of the testimony may be kept.

12) Initial Regulatory Flexibility Analysis: An initial regulatory flexibility analysis for the proposed new Part 451 (governing private business and vocational schools) is included in the Notice of Proposed Rules for Part 451, which appears in this edition of the Illinois Register.

The Full Text Of The Proposed Repealer Is As Follows:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER m: POST-SECONDARY SCHOOLS

PART 451

PRIVATE BUSINESS AND VOCATIONAL SCHOOLS

SUBPART A: CERTIFICATE OF APPROVAL - JURISDICTION

Section	
451.10	NECESSITY FOR CERTIFICATE OF APPROVAL - PERSON ELIGIBLE
	- NONTRANSFERABILITY - DISPLAY - APPROVED LISTS
451.20	Exemptions
451.30	PROHIBITION AGAINST ADVERTISING SCHOOL OR SOLICITING STUDENTS WITHOUT SUPERINTENDENT AUTHORIZATION

SUBPART B: CERTIFICATE OF APPROVAL - CONDITIONS

Section	
451.110	APPLICATION FOR CERTIFICATE - CONTENTS
451.120	APPLICATION COMMITMENTS
451.130	QUALIFICATIONS OF APPLICANTS OR HOLDERS OF CERTIFICATES OF APPROVAL
451.140	CONDUCT OF SCHOOL EXCLUSIVELY AS SCHOOL-COMMERCIAL EMPLOYMENT OF STUDENTS
451.150	SIGNING OF APPLICATION
451.155	RESTRICTION OF CERTIFICATE TO FIELDS INDICATED IN APPLICATION - SUPPLEMENTARY APPLICATIONS
451.160	Filing Fees - Renewal Fees
451.165	ANNUAL RENEWAL OF CERTIFICATES
451.170	NON-RESIDENTS - APPROVAL - CONSENT TO COMMENCEMENT OF ACTIONS AGAINST APPLICANT
451.175	Conditional Approval
451.180	GROUNDNS FOR REFUSAL TO ISSUE, RENEW OR TO REVOKE CERTIFICATES OR PERMITS
451.185	UNLAWFUL ACTS OF SCHOOL EMPLOYEES NOT GROUNDNS FOR REVOCATION OF CERTIFICATE
451.190	ISSUANCE, REVOCATION, RENEWAL OR RESTCATION OF CERTIFICATES UPON ACTION AND REPORT OF THE SUPERINTENDENT
451.195	Periodic Review

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

SUBPART C: SOLICITOR CERTIFICATION

Section	
451.210	SOLICITOR PERMITS - APPLICATION - CONTENTS - FEES - SEPARATE PERMITS
451.220	Solicitor Bond
451.230	Solicitor: POCKET CARDS, ISSUANCE OF, UPON APPROVAL OF APPLICATION - CONTENTS
451.240	Solicitor Responsibility
451.250	Solicitor: ANNUAL RENEWAL OF CERTIFICATES
451.260	Solicitor: GROUNDNS FOR REFUSAL TO ISSUE, RENEW OR REVOKE....PERMITS
451.270	Solicitor: TERMINATION OF EMPLOYMENT - DELIVERY OF POCKET CARD

SUBPART D: STUDENT AFFAIRS/ADMINISTRATION

Section	
451.310	ENROLLMENT AGREEMENTS
451.320	Advertising: PROHIBITION AGAINST ADVERTISING....WITHOUT SUPERINTENDENT'S AUTHORIZATION
451.330	Student Admissions: Practices
451.340	Catalog/Bulletin/Information
451.350	Instructional Program
451.360	Refund Policy
451.370	PLACEMENT SERVICE
451.380	Financial Grants
451.390	Record Keeping

SUBPART E: HEARING PROCEDURES

Section	
451.410	HEARING OF CHARGES - NOTICE - OPPORTUNITY TO PRESENT EVIDENCE - CONTINUANCES
451.420	POWER TO SUBPOENA AND ADMINISTER OATHS
451.430	POWER OF CIRCUIT OR SUPERIOR COURTS
451.440	SUPERINTENDENT TO PROVIDE STENOGRAPHER - RECORD OF PROCEEDINGS - TRANSCRIPTS - COSTS
451.450	SERVICE OF SUPERINTENDENT'S ORDER UPON RESPONDENT - MOTION FOR REHEARING - TIME - SURRENDER OF CERTIFICATE
451.460	REVIEW UNDER ADMINISTRATIVE REVIEW ACT
451.470	ENFORCEMENT BY THE ATTORNEY GENERAL - OFFICE OF CONSUMER PROTECTION
451.480	VIOLATIONS
451.490	INJUNCTION
451.495	PRIVATE ACTION FOR DAMAGES

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

APPENDIX A Definitions

AUTHORITY: Implementing and authorized by "An Act in relation to the regulation of business and vocational schools" (Ill. Rev. Stat. 1983, ch. 144, pars. 136 et seq.).

SOURCE: Adopted February 1, 1973; codified at 8 Ill. Reg. 16289. (Editor's Note: Except at otherwise noted all statutory quotes are from "An Act in relation to the regulation of business and vocational schools" (Ill. Rev. Stat. 1983, ch. 144, pars. 136 et seq.))

Full caps indicate statutory language.

SUBPART A: CERTIFICATE OF APPROVAL - JURISDICTION

Section 451.10 NECESSITY FOR CERTIFICATE OF APPROVAL - PERSON ELIGIBLE - NONTRANSFERABILITY - DISPLAY - APPROVED LISTS

- a) (SECTION 5) AFTER JANUARY 1, 1968, NO PERSON, PARTNERSHIP OR CORPORATION SHALL CONDUCT A PRIVATE BUSINESS SCHOOL IN THIS STATE WITHOUT HAVING BEEN ISSUED A CERTIFICATE OF APPROVAL BY THE SUPERINTENDENT. AFTER JANUARY 1, 1970, NO PERSON, PARTNERSHIP OR CORPORATION SHALL CONDUCT A PRIVATE VOCATIONAL SCHOOL IN THIS STATE WITHOUT HAVING BEEN ISSUED A CERTIFICATE OF APPROVAL BY THE SUPERINTENDENT. A PERSON, PARTNERSHIP OR CORPORATION IS QUALIFIED TO RECEIVE A CERTIFICATE OF APPROVAL WHO COMPLIES WITH EVERY STANDARD, RULE AND REGULATION OF THE SUPERINTENDENT PERTAINING TO THIS ACT, WHO PAYS THE FEE FOR A CERTIFICATE OF APPROVAL, AND WHOSE SCHOOL, AFTER AN EXAMINATION CONDUCTED UNDER THE DIRECTION OF THE SUPERINTENDENT, IS APPROVED BY THE SUPERINTENDENT. SUCH CERTIFICATES OF APPROVAL ARE NOT TRANSFERABLE. WHENEVER A SCHOOL OPERATES AT DIFFERENT ADDRESSES OR LOCATIONS, THEN AN APPLICATION OR PERMIT SHALL BE FILED FOR EACH SEPARATE LOCATION OR ADDRESS. EACH APPLICATION SHALL BE ACCOMPANIED BY THE REQUIRED FEE.

- b) THE CERTIFICATE OF APPROVAL SHALL BE PROMINENTLY DISPLAYED AT SOME PLACE ON THE PREMISES OF THE SCHOOL OPEN TO THE INSPECTION OF ALL INTERESTED PERSONS.
- c) THE SUPERINTENDENT SHALL MAINTAIN, OPEN TO PUBLIC INSPECTION, A LIST OF SCHOOLS APPROVED UNDER THIS ACT AND MAY ANNUALLY PUBLISH SUCH LIST.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Section 451.20 Exemptions

- a) (SECTION 1) NON-PROFIT SCHOOLS CONDUCTED BY BONA FIDE ELEMOSYNARY, RELIGIOUS, OR PUBLIC INSTITUTIONS EXEMPT FROM PROPERTY TAXATION UNDER THE LAWS OF THIS STATE SHALL BE EXEMPT. SUCH EXEMPTION SHALL BE ESTABLISHED BY EVIDENCE FROM THE PROPERTY TAX DIVISION AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF ILLINOIS AND ESTABLISHED BY EVIDENCE ISSUED BY THE INTERNAL REVENUE SERVICE.
- b) COURSES, SUBJECTS AND PROGRAMS OFFERED BY EMPLOYERS SHALL BE EXEMPT FROM THIS ACT PROVIDED SUCH INSTRUCTION SHALL ONLY BE OFFERED TO EMPLOYEES. (NOTE: EXEMPTION FROM PROPERTY TAXATION IS DETERMINED BY THE DEPARTMENT OF LOCAL GOVERNMENT AFFAIRS NOT THE DEPARTMENT OF REVENUE AS STATED ABOVE.)
- c) Instruction contracted for by employers from a third party shall be exempt provided such instruction shall be offered only to employees.
- d) Schools offering avocational or recreational courses shall be exempted if the main objective of instruction is not the development of an employable skill but is instead entertainment, recreation, individual edification, hobby interests or individual self-improvement.
- e) Private tutoring shall be exempted if it is done on an individual basis and/or if the tutoring is done in an instructional area as exempted in the definition of "school." (Note: See definition in Appendix.)

Section 451.30 PROHIBITION AGAINST ADVERTISING SCHOOL OR SOLICITING STUDENTS WITHOUT SUPERINTENDENT AUTHORIZATION

- a) (SECTION 4) PRIOR TO THE ESTABLISHMENT OF A PRIVATE BUSINESS OR VOCATIONAL SCHOOL AND THE ISSUANCE OF A CERTIFICATE OF APPROVAL THEREFOR, NO PERSON SHALL ADVERTISE SUCH A SCHOOL OR SOLICIT PROSPECTIVE STUDENTS FOR SUCH A SCHOOL UNLESS SUCH PERSON HAS APPLIED FOR AND RECEIVED FROM THE SUPERINTENDENT AUTHORIZATION TO CONDUCT SUCH ACTIVITY.
- b) A "non-resident" school shall not be approved by the Superintendent until the school has certified its compliance status in the state in which it legally resides. Evidence of its status shall be submitted with

the school's application for the certification of approval in Illinois. (Note: See definition in Appendix A.)

- c) CHARTER NOT TO BE ISSUED TO SCHOOL NOT APPROVED - FOREIGN CORPORATION - APPROVAL OF SCHOOL.
NO CORPORATE CHARTER SHALL BE ISSUED TO ANY SCHOOL THAT HAS NOT BEEN APPROVED BY THE SUPERINTENDENT TO OPERATE OR MAINTAIN A VOCATIONAL OR BUSINESS SCHOOL; NOR SHALL ANY FOREIGN CORPORATION BE APPROVED TO OPERATE OR MAINTAIN A VOCATIONAL OR BUSINESS SCHOOL UNTIL THE SCHOOL HAS BEEN APPROVED BY THE SUPERINTENDENT.

SUBPART B: CERTIFICATE OF APPROVAL - CONDITIONS

Section 451.110 APPLICATION FOR CERTIFICATE - CONTENTS

- a) (SECTION 6) EVERY PERSON, PARTNERSHIP OR CORPORATION DOING BUSINESS IN ILLINOIS DESIRING TO OBTAIN A CERTIFICATE OF APPROVAL SHALL MAKE A VERIFIED APPLICATION TO THE SUPERINTENDENT UPON FORMS PREPARED AND FURNISHED BY THE SUPERINTENDENT, SETTING FORTH THE FOLLOWING INFORMATION:

- 1) THE TITLE OR NAME OF THE SCHOOL, TOGETHER WITH OWNERSHIP AND CONTROLLING OFFICERS, MEMBERS, MANAGING EMPLOYEES AND DIRECTOR;
- 2) THE SPECIFIC FIELDS AND COURSES OF INSTRUCTION WHICH WILL BE OFFERED, AND THE SPECIFIC PURPOSES OF SUCH INSTRUCTION;
- 3) THE PLACE OR PLACES WHERE SUCH INSTRUCTION WILL BE GIVEN AND A DESCRIPTION OF THE PHYSICAL AND SANITARY FACILITIES THEREOF;
- 4) A SPECIFIC LISTING OF THE EQUIPMENT AVAILABLE FOR INSTRUCTION IN EACH FIELD AND COURSE OF INSTRUCTION;
- 5) THE EDUCATIONAL AND TEACHING QUALIFICATIONS OF INSTRUCTORS AND SUPERVISORS IN EACH SPECIFIED COURSE OF INSTRUCTION;
- 6) THE FINANCIAL RESOURCES AVAILABLE TO EQUIP AND MAINTAIN THE SCHOOL DOCUMENTED BY A CURRENT BALANCE SHEET AND INCOME STATEMENT PREPARED AND CERTIFIED BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT OR ANY SUCH SIMILAR EVIDENCE AS REQUIRED BY THE SUPERINTENDENT;

- 7) THE MAXIMUM ENROLLMENT TO BE ACCOMMODATED WITH EQUIPMENT AVAILABLE IN EACH SPECIFIED COURSE OF INSTRUCTION;
- 8) EVIDENCE THAT IT PROVIDES UP-TO-DATE EQUIPMENT REASONABLY CONFORMING TO THE STATE OF THE ART;
- 9) EVIDENCE THAT IT MAINTAINS ADEQUATE EVALUATION SERVICE;
- 10) COPIES OF STUDENT AGREEMENT TO BE USED IN ILLINOIS;
- 11) METHOD USED TO COLLECT TUITIONS AND THE PROCEDURE FOR COLLECTING DELINQUENT PAYMENTS;
- 12) COPIES OF ALL BROCHURES, FILMS, PROMOTIONAL MATERIAL AND WRITTEN SCRIPTS OF OTHER RADIO AND TELEVISION ADVERTISING AND PROMOTION THAT WILL BE CIRCULATED OR MAY REASONABLY BE EXPECTED TO BE CIRCULATED TO SOLICIT STUDENTS TO ENROLL IN COURSES OF INSTRUCTION;
- 13) EACH APPLICATION FOR A CERTIFICATE OF APPROVAL SHALL BE SIGNED AND CERTIFIED TO UNDER OATH BY ALL OFFICERS OF THE SCHOOL.
 - b) An original or renewal applicant shall state the name, address and corporate titles of all those having a beneficial interest of ten (10) percent or more of the ownership.
 - c) The school shall establish policy that provides for written notification to the Superintendent:
 - 1) Prior to any actual change in ownership of the school;
 - 2) Prior to any individual acquiring a total beneficial interest of ten (10) percent or more of the ownership of the school;
 - 3) Prior to any change of address of the school or parts thereof.
 - d) The school shall submit a chart which describes the administrative organization and denotes the names and relative titles of the persons in the administrative organization.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- e) The school shall list the addresses for each location where instruction is to take place.
- f) The school shall provide written evidence from inspection authorities that it complies with local and/or state government requirements for health and safety. The Superintendent may require the school to arrange for inspection by state health and safety officials.
- g) The school shall provide a report on the physical and sanitary facilities which shall include descriptions of:
 - 1) Classrooms, laboratories, shops, libraries and other facilities for instruction and administration with detailed floor plans for the places of instruction including dimensions, purpose and number of students to be accommodated;
 - 2) Administrative/supervisory offices, conference rooms, rest room/toilet facilities, checkrooms, lockers or equivalent storage space.
- h) The school shall maintain and make available upon request of the Superintendent copies of signed leases, rental agreements, and service contracts including leases for space, instructional equipment and tools.
- i) The school making original application shall provide an inventory for all instructional equipment, instruments and tools utilized by students. Such inventory shall be itemized according to each course of instruction and the subject or unit of instruction in which it is utilized and shall include:
 - 1) Name of manufacturer;
 - 2) Estimated year of manufacture.
- j) The school making renewal application shall submit revisions to its inventory as identified in paragraph (i) above by identifying additions or deletions from such inventory.
- k) The school shall provide written evidence that inventoried lists of institutional equipment meet its minimum standards for its courses, subjects, and units of instruction and prepare students to use kinds and types of equipment currently in use in industry.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- 1) An existing school shall provide evidence of financial resources sufficient to meet its operating demands for at least one (1) calendar year which shall be substantiated by:
 - 1) A documented balance sheet and income statement prepared and certified by an independent certified public accountant for the latest fiscal year on a form provided by the Superintendent; if the certified public accountant cannot submit an unqualified opinion, the accountant may submit a qualified opinion, an adverse opinion or a disclaimer of opinion;
 - 2) The latest documented interim balance sheets and income statements available to the school at the time of application or renewal, certified as true and correct by the school's administration;
 - 3) If the school is owned by a corporation listed on a major national stock exchange, it may present a corporate financial statement accompanied by a notarized resolution signed by an officer of the corporation declaring that the corporation will guarantee any and all obligations of the school's operation in lieu of documented balance sheet and income statements specified in 451.110(1)(1) and (2).
- m) In each of its first two (2) years of operation in Illinois, a school shall not collect from Illinois students a total of prepaid tuition and other prepaid instructional charges in excess of its total school surety bond. At the time of application for its second year, the school shall provide evidence of its financial resources in accordance with Section 451.110(1). For each year after its second year of operation in Illinois, a school shall report to the Superintendent on the total prepaid tuition and other prepaid instructional charges received from Illinois students for the twelve (12) months previous to the date of renewal application.
- n) The Superintendent may, with written reasons, require a financial audit of the school by a certified public accountant at the expense of the school and may request upon thirty (30) days notice interim financial statements as circumstances warrant.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

o) The school making original and renewal application shall submit on forms provided by the Superintendent supporting documentation of the amounts spent during the previous fiscal year and estimates for the following year for such operational costs as:

- 1) Teachers' salaries;
- 2) Instructional equipment, materials and supplies purchase and rental;
- 3) Revision of programs and inservice training;
- 4) Student records and guidance services;
- 5) Advertising and promotion;
- 6) Correspondence (home study) evaluation services;
- 7) Placement; and
- 8) Admissions.

p) No agent or employee of the State Board of Education shall divulge to any person any of the data required in (o) above except in connection with court or administrative procedures.

q) The school shall provide a binder or a copy of a policy indicating that public liability insurance has been obtained by the school for the protection of the school's students and employees.

r) The Superintendent may, with written reasons given, require a copy of any evaluation reports received during the year previous to original application or renewal from national, regional and state accrediting associations and commissions, from state education authorities, and other external evaluators.

s) No agent or employee of the State Board of Education shall divulge to any person any of the information obtained from the sources cited in (r) above except in connection with court or administrative procedures.

t) The Superintendent may require the school to provide evidence of the business reputation of owners, officials and administrative staff.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

u) Administrative and Supervisory Staff.

1) The school shall have a designated supervisor (director) who is directly responsible for: the content and method of instruction; selection, supervision and evaluation of qualified and approved instructors; organization of classes; use of facilities and equipment; maintenance of proper scholastic records.

2) The school shall have a designated assistant supervisor who shall assume the responsibility for day-to-day operations of the school in the absence of the designated supervisor; in hardship situations this provision may be waived by determination of the Superintendent upon written petition initiated by the school.

3) The school shall provide for an approved, designated supervisor or assistant supervisor to be present in the school during all hours of instruction.

4) The minimum qualifications for designated supervisors (directors) shall be:

A) Graduation from a state approved four-year college with a minimum of twenty-four (24) semester hours in administration/management and/or professional education and/or in the subject areas in which the school provides instruction; or

B) Training and experience in the subject area in which the school provides instruction which shall include a minimum of:

1) a combination of 6,000 clock hours (the equivalent of three years) of training and work experience; and

11) 2,000 clock hours (the equivalent of one year) of supervisory or instructional experience.

5) The minimum qualifications of an assistant supervisor shall be:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- A) Satisfactory completion of sixty (60) semester hours from a state approved two-year or four-year college with a minimum of sixteen (16) semester hours in administration/management and/or professional education and/or in the subject areas in which the school provides instruction; or
- B) Training and experience in the subject areas in which the school provides instruction which shall include a minimum of:
- i) a combination of 4,000 clock hours (the equivalent of two years) training and work experience; and
 - ii) 2,000 clock hours (the equivalent of one year) of supervisory or instructional experience.

- 6) All applications for approval to supervise in an approved school shall be made on forms provided by the Superintendent. They shall be accompanied by transcripts, letters or other documents supporting the statement of qualifications or, upon written petition to the Superintendent, other evidence the applicant may provide as reasonable proof of the applicant's qualifications.

- 7) The school shall establish policies and procedures:

- A) By which professional growth and expertise of its supervisory staff is demonstrated;
- B) To encourage further professional growth and expertise of that staff;
- C) To employ interim (substitute) supervisors which set forth qualifications and duties;
- D) To notify the Superintendent within thirty (30) calendar days of any dismissal or resignation of a member of the supervisory staff previously approved by the Superintendent and to advise of interim supervisory arrangements;
- E) To submit applications for approval for replacements of supervisory personnel to the

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Superintendent within thirty (30) calendar days prior to the effective date of permanent employment.

- 8) Supervisor approval is nontransferable from one school to another.
- 9) Supervisors (directors) and assistant supervisors (directors) approved to be employed as supervisors at the school prior to February 1, 1977, with verification of qualification on file at the State Board of Education, shall continue to hold approved status.

v) Faculty

- 1) All applications for approval to teach shall be made on forms provided by the Superintendent. They shall be accompanied by relevant transcripts and letters or documents supporting the statement of qualifications in the subjects for which the applicant seeks approval to teach from individuals who in an official capacity directly supervised the teaching and work experiences of the applicant and who can be reached for verification of the applicant's qualifications. Upon written petition to the Superintendent, the applicant may provide other evidence as reasonable proof of qualifications.
- 2) Candidates shall have the Superintendent's written approval prior to the start of permanent teaching assignments;
- 3) Candidates shall submit applications for approval for permanent teaching positions within thirty (30) calendar days prior to the effective date of permanent teaching assignment;
- 4) Each teacher shall possess at least one of the following qualifications:
 - A) A current, valid public school teacher's certificate in a relevant subject area issued by the Superintendent or the Chicago Board of Education; or

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- B) A permanent, valid public school teacher's certificate in a relevant subject area issued by another state; or
- C) Graduation from a state-approved, four-year college or university with a minimum of twenty-four (24) semester hours in the specific subject area in which the applicant intends to teach; or
- D) No less than 4,000 clock hours (the equivalent of two years) of successful training and experience in the specific subject or skill area of the instructional program in which the applicant intends to teach.
- 5) Teacher approval is nontransferable from one school to another.
- 6) Faculty approved to be employed as teachers of a specific subject or skill area at the school prior to February 1, 1977, with verification of qualification on file at the State Board of Education, shall continue to hold approved status.
- w) The school shall establish and maintain policies which set forth qualifications and duties and procedures for supervision and evaluation of teachers and interim (substitute) teachers. If it employs teaching assistants, it shall establish and maintain policies which set forth qualifications and duties and procedures for these personnel.

Section 451.120 APPLICATION COMMITMENTS

- a) (SECTION 7) EACH APPLICATION FOR A CERTIFICATE OF APPROVAL SHALL ALSO CONTAIN THE FOLLOWING COMMITMENTS:

- 1) TO CONDUCT THE SCHOOL IN ACCORDANCE WITH STANDARDS, RULES AND REGULATIONS FROM TIME TO TIME ESTABLISHED BY THE SUPERINTENDENT;
- 2) TO PROVIDE A SURETY COMPANY BOND, WRITTEN BY A COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE, FOR THE PROTECTION OF THE CONTRACTUAL RIGHTS OF STUDENTS IN AN AMOUNT NOT TO EXCEED \$50,000 EXCEPT UNDER EXCEPTIONAL CIRCUMSTANCES UPON THE ORDER OF THE

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- SUPERINTENDENT. IN LIEU OF BOND THE APPLICANT MAY DEPOSIT WITH THE STATE TREASURER THE SUM OF \$50,000 IN CASH OR SECURITIES AS MAY BE APPROVED BY THE STATE TREASURER AND THE SUPERINTENDENT;
- 3) TO PERMIT THE SUPERINTENDENT OR HIS DESIGNEE TO INSPECT THE SCHOOL OR CLASSES THEREOF FROM TIME TO TIME; AND TO MAKE AVAILABLE TO THE SUPERINTENDENT OR HIS DESIGNEE, AT ANY TIME WHEN REQUIRED TO DO SO, INFORMATION PERTAINING TO THE ACTIVITIES OF THE SCHOOL REQUIRED FOR THE ADMINISTRATION OF THIS ACT;
- 4) THAT ALL ADVERTISING AND SOLICITATION WILL BE FREE FROM MISREPRESENTATION, DECEPTION OR FRAUD, OR OTHER MISLEADING OR UNFAIR TRADE PRACTICES;
- 5) THAT THE INSTITUTION DOES NOT PROMISE OR AGREE TO ANY RIGHT OR PRIVILEGE IN RESPECT TO PROFESSIONAL EXAMINATIONS OR TO THE PRACTICE OF ANY PROFESSION IN VIOLATION OF THE LAWS OF THIS STATE.
- b) Neither the principal nor surety on a school surety bond may terminate coverage except upon giving ninety (90) days written notice to the Superintendent.
- c) Termination of the school's surety bond coverage shall be grounds for revocation of its certificate of approval.
- d) The bonding company shall provide the Superintendent with reasons for bond termination within ninety (90) calendar days of notice of such termination.

Section 451.130 QUALIFICATIONS OF APPLICANTS OR HOLDERS OF CERTIFICATES OF APPROVAL

- a) (SECTION 7.1) IN ADDITION TO ANY OTHER REQUIREMENTS HEREIN CONTAINED ANY INDIVIDUAL WHO IS AN APPLICANT FOR OR THE HOLDER OF ANY CERTIFICATE OF APPROVAL HEREUNDER MUST BE ABLE TO COMPLY WITH THE FOLLOWING FURTHER REQUIREMENTS:
 - 1) (a) BE 21 YEARS OF AGE OR MORE;
 - 2) (b) BE A CITIZEN OF THE UNITED STATES; OR HAVE MADE A DECLARATION OF INTENTION TO BECOME A CITIZEN, OR HAVING MADE SUCH DECLARATION HAVE FILED A PETITION FOR NATURALIZATION WITHIN THIRTY (30) DAYS AFTER BECOMING ELIGIBLE TO DO SO.

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED REPEALER

AGENCY NOTE: See *Norwick v. Nyquist*, F. Supp., S.D. N.Y. 7-20-76, which finds citizenship requirements unconstitutional.

- b) IF SUCH APPLICANT OR HOLDER IS A PARTNERSHIP, ASSOCIATION OR CORPORATION, EACH MEMBER OF THE PARTNERSHIP OR ASSOCIATION, OR EACH OFFICER OF THE CORPORATION, AS THE CASE MAY BE, MUST BE ABLE TO COMPLY WITH THE PRECEDING REQUIREMENTS OF THIS SECTION.

AGENCY NOTE: See Section 451.120 for requirements of this Section.

Section 451.140 CONDUCT OF SCHOOL EXCLUSIVELY AS SCHOOL-COMMERCIAL EMPLOYMENT OF STUDENTS

(Section 7.2) A BUSINESS OR VOCATIONAL SCHOOL SHALL BE ORGANIZED AND CONDUCTED SEPARATELY AND EXCLUSIVELY AS A SCHOOL AND IT SHALL NOT BE CONDUCTED AS A PART OF A MANUFACTURING OR COMMERCIAL ESTABLISHMENT; NOR SHALL STUDENTS IN ATTENDANCE BE EMPLOYED COMMERCIALY AS PART OF CLASS WORK, EXCEPT AS MAY BE DETERMINED BY THE SUPERINTENDENT AS REASONABLY NECESSARY TO GAIN PRACTICAL EXPERIENCE.

Section 451.150 SIGNING OF APPLICATION

- a) (Section 8) EACH APPLICATION FOR A CERTIFICATE OF APPROVAL SHALL BE SIGNED BY THE APPLICANT. IF THE APPLICANT IS A PARTNERSHIP, IT SHALL BE SIGNED BY EACH MEMBER THEREOF. IF THE APPLICANT IS A CORPORATION, IT SHALL BE SIGNED BY ALL THE OFFICERS THEREOF.
- b) (Section 6 (13)) EACH APPLICATION FOR A CERTIFICATE OF APPROVAL SHALL BE SIGNED AND CERTIFIED TO UNDER OATH BY ALL OFFICERS OF THE SCHOOL.
- c) All officers of the school for signing purposes for a school application shall be the president, secretary, treasurer and designated supervisor (director).

Section 451.155 RESTRICTION OF CERTIFICATE TO FIELDS INDICATED IN APPLICATION - SUPPLEMENTARY APPLICATIONS

- a) (Section 9) ANY CERTIFICATE OF APPROVAL ISSUED SHALL BE RESTRICTED TO THE FIELDS OR COURSES SPECIFICALLY INDICATED IN THE APPLICATION FOR A CERTIFICATE OF APPROVAL. THE HOLDER OF A CERTIFICATE SHALL PRESENT A

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

SUPPLEMENTARY APPLICATION AS MAY BE DIRECTED BY THE SUPERINTENDENT FOR APPROVAL OF ADDITIONAL FIELDS OR COURSES IN WHICH IT IS DESIRED TO OFFER INSTRUCTION DURING THE EFFECTIVE PERIOD OF THE CERTIFICATE OF APPROVAL.

- b) The school shall offer courses of instruction only at locations previously approved by the Superintendent. In the event of emergency the school may secure permission from the Superintendent to operate in a temporary location.

Section 451.160 FILING FEES - RENEWAL FEES

- a) (Section 10) EACH ORIGINAL APPLICATION FOR A CERTIFICATE OF APPROVAL SHALL BE ACCOMPANIED BY A FILING FEE OF \$75 WHICH FEE SHALL INCLUDE THE COST OF INVESTIGATION AND ISSUANCE OF THE ORIGINAL CERTIFICATE OF APPROVAL IF THE APPLICATION IS APPROVED. THERE SHALL BE AN ANNUAL RENEWAL FEE OF \$37.50. NO FEE SHALL BE CHARGED FOR A SUPPLEMENTARY APPLICATION FOR THE APPROVAL OF ADDITIONAL FIELDS OR COURSES OF INSTRUCTION.

- b) Remittances for application fees shall be by certified check, cashier's check, money order or bank draft.

Section 451.165 ANNUAL RENEWAL OF CERTIFICATES

- a) (Section 13) EACH SCHOOL AND EACH SOLICITOR THAT CONTINUES AS SUCH SHALL ANNUALLY DURING THE MONTH OF DECEMBER RENEW ITS OR HIS CERTIFICATE OF APPROVAL AND PAY THE REQUIRED ANNUAL RENEWAL FEE. THE SUPERINTENDENT SHALL HAVE THE AUTHORITY TO DESIGNATE ALTERNATE RENEWAL AND EXPIRATION DATES FOR ALL CERTIFICATES OF APPROVAL AND SOLICITOR'S PERMITS.

- b) The school renewal application for the certificate of approval shall be mailed to the State Board of Education, Private Business and Vocational Schools Unit, 100 North First Street, Springfield, Illinois 62777, and be postmarked no later than November 1 of each year.

- c) The certificate expiration date shall be December 31 of each year.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Section 451.170 NON-RESIDENTS - APPROVAL - CONSENT TO COMMENCEMENT OF ACTIONS AGAINST APPLICANT

(Section 25.1) A NON-RESIDENT OF THE STATE OTHER THAN A CORPORATION NOT QUALIFIED TO DO BUSINESS IN THIS STATE, DESIRING TO OBTAIN A CERTIFICATE OF APPROVAL SHALL BECOME APPROVED BY CONFORMING TO ALL THE CONDITIONS OF THIS ACT. EVERY NON-RESIDENT APPLICANT SHALL FILE CONSENT THAT ACTIONS MAY BE COMMENCED AGAINST THE APPLICANT IN THE PROPER COURT OF ANY COUNTY OF THIS STATE IN WHICH A CAUSE OF ACTION MAY ARISE AND IN WHICH THE PLAINTIFF MAY RESIDE, BY THE SERVICE OF LEGAL PROCESS ON THE SUPERINTENDENT. THE CONSENT SHALL AGREE THAT SERVICE OF SUCH PROCESS ON THE SUPERINTENDENT SHALL BE RECOGNIZED IN ALL COURTS TO BE VALID AS IF PERSONAL SERVICE HAD BEEN MADE UPON THE APPLICANT IN THE STATE OF ILLINOIS. THE CONSENT SHALL BE IRREVOCABLE AS TO ANY CAUSE OF ACTION ARISING DURING THE PERIOD OF APPROVAL. IN CASE ANY PROCESS MENTIONED IN THIS ACT IS SERVED UPON THE SUPERINTENDENT, HE SHALL FORWARD A COPY OF THE PROCESS BY CERTIFIED MAIL TO THE MAIN OFFICE OF THE APPLICANT AGAINST WHICH THE PROCESS IS DIRECTED.

Section 451.175 Conditional Approval

If after review of a school seeking renewal the school is found to possess certain remediable conditions not so serious as to cause ultimate denial of approval for the year, the Superintendent may grant a certificate with conditions enumerated and expiration date noted. In each such case, the conditions must be remedied within a specified period of time not to exceed December 31 of the approval year. The specifics of the conditional approval shall be listed on the school certificate.

Section 451.180 GROUNDS FOR REFUSAL TO ISSUE, RENEW OR TO REVOKE CERTIFICATES OR PERMITS

- a) (SECTION 16) IN ADDITION TO ANY OTHER CAUSE HEREIN SET FORTH THE SUPERINTENDENT MAY REFUSE TO ISSUE, OR TO RENEW, OR MAY REVOKE ANY CERTIFICATE OF APPROVAL OR PERMIT FOR ANY ONE OR ANY COMBINATION OF THE FOLLOWING CAUSES:
- 1) VIOLATION OF ANY PROVISION OF THIS ACT OR ANY RULE OR REGULATION MADE BY THE SUPERINTENDENT;
 - 2) FURNISHING OF FALSE, MISLEADING OR INCOMPLETE INFORMATION TO THE SUPERINTENDENT OR FAILURE TO FURNISH INFORMATION REQUESTED BY THE SUPERINTENDENT;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- 3) IF ANY PERSON WHO SIGNED AN APPLICATION HAS ENTERED A PLEA OF NOLO CONTENDERE OR BEEN FOUND GUILTY OF ANY CRIME INVOLVING MORAL TURPITUDE;
- 4) IF ANY PERSON WHO SIGNED AN APPLICATION IS ADDICTED TO THE USE OF ANY NARCOTIC DRUG; HAS BEEN FOUND MENTALLY INCOMPETENT; OR HAS BEEN CONVICTED OF ANY SUBVERSIVE ACTIVITY;
- 5) VIOLATION OF ANY COMMITMENT MADE IN AN APPLICATION FOR A CERTIFICATE OF APPROVAL;
- 6) PRESENTING TO PROSPECTIVE STUDENTS INFORMATION RELATING TO THE SCHOOL, OR TO EMPLOYMENT OPPORTUNITIES OR OPPORTUNITIES FOR ENROLLMENT IN INSTITUTIONS OF HIGHER LEARNING AFTER ENTERING INTO OR COMPLETING COURSES OFFERED BY THE SCHOOL, WHICH IS FALSE, MISLEADING OR FRAUDULENT;
- 7) FAILURE TO PROVIDE OR MAINTAIN PREMISES OR EQUIPMENT IN A SAFE AND SANITARY CONDITION AS REQUIRED BY LAWS, REGULATIONS OR ORDINANCES APPLICABLE AT THE LOCATION OF THE SCHOOL;
- 8) REFUSAL BY A SOLICITOR TO DISPLAY HIS PERMIT UPON DEMAND OF A PROSPECTIVE STUDENT. THE SUPERINTENDENT OR THE SUPERINTENDENT'S REPRESENTATIVE OR ANY OTHER INTERESTED PERSON;
- 9) FAILURE TO MAINTAIN FINANCIAL RESOURCES ADEQUATE FOR THE SATISFACTORY CONDUCT OF THE COURSES OF INSTRUCTION OFFERED OR TO RETAIN A SUFFICIENT AND QUALIFIED INSTRUCTIONAL AND ADMINISTRATIVE STAFF;
- 10) CONDUCT OF INSTRUCTION IN A COURSE OR FIELD WHICH HAS NOT BEEN APPROVED BY THE SUPERINTENDENT FOR THE PARTICULAR SCHOOL;
- 11) REFUSAL TO ADMIT APPLICANTS SOLELY ON ACCOUNT OF RACE, COLOR, CREED OR SEX;
- 12) WHERE THE REGISTRANT HAS BEEN CONVICTED OF ANY CRIME, AN ESSENTIAL ELEMENT OF WHICH IS DISHONESTY, OR HAS BEEN CONVICTED IN THIS OR ANOTHER STATE OF ANY CRIME WHICH UNDER THE LAWS OF ANY STATE OR THE UNITED STATES IS A FELONY, IF THE DEPARTMENT DETERMINES, AFTER INVESTIGATION, THAT SUCH PERSON HAS NOT BEEN SUFFICIENTLY REHABILITATED TO WARRANT THE PUBLIC TRUST;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- 13) PAYING A COMMISSION OR VALUABLE CONSIDERATION TO ANY PERSON FOR ACTS OR SERVICES PERFORMED IN VIOLATION OF THIS ACT;
- 14) DEMONSTRATING UNWORTHINESS OR INCOMPETENCY TO CONDUCT A BUSINESS OR VOCATIONAL SCHOOL OR ACT AS A SOLICITOR FOR A BUSINESS OR VOCATIONAL SCHOOL IN ANY MANNER NOT CALCULATED TO SAFEGUARD THE INTERESTS OF THE PUBLIC;
- 15) ATTEMPTING TO CONFER A FRAUDULENT DEGREE UPON A STUDENT;
- 16) ATTEMPTING TO CONDUCT OR EMPLOY STUDENTS IN ANY COMMERCIAL ACTIVITY IN CONJUNCTION WITH THE OPERATION OF THE SCHOOL EXCEPT TO THE EXTENT THAT PRACTICAL EXPERIENCE IS ESSENTIAL TO THEIR TRAINING;
- 17) MISREPRESENTING TO STUDENTS OR PROSPECTIVE STUDENTS THAT THEY ARE QUALIFIED UPON COMPLETION OF ANY COURSE FOR ADMISSIONS TO PROFESSIONAL EXAMINATIONS UNDER ANY OCCUPATIONAL LICENSING ACT;
- 18) ENCOURAGING STUDENTS TO ENROLL IN ADVANCED COURSES OF INSTRUCTION WHEN THE PREREQUISITE COURSE HAS NOT BEEN COMPLETED AND THAT FACT IS KNOWN TO THE SCHOOL.
- b) The school shall establish that any students employed by the school shall gain through their employment practical experience essential to their training.
- c) The school may establish policies and procedures for students to demonstrate competency and proficiency to take advanced courses. Such policies and procedures shall be filed with the Superintendent.

Section 451.185 UNLAWFUL ACTS OF SCHOOL EMPLOYEES NOT GROUNDS FOR REVOCATION OF CERTIFICATE

(SECTION 25) ANY UNLAWFUL ACT OR VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT UPON THE PART OF ANY SOLICITOR OR EMPLOYEE OF A BUSINESS SCHOOL SHALL NOT BE CAUSE FOR THE REVOCATION OF THE CERTIFICATE OF APPROVAL UNLESS IT SHALL APPEAR TO THE SATISFACTION OF THE SUPERINTENDENT THAT ANY ONE OR MORE OF THE CONTROLLING OFFICERS, MEMBERS OR MANAGING EMPLOYEES HAD GUILTY KNOWLEDGE THEREOF.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Section 451.190 ISSUANCE, REVOCATION, RENEWAL OR RESTORATION OF CERTIFICATES UPON ACTION AND REPORT OF THE SUPERINTENDENT

(SECTION 14) NO CERTIFICATE OF APPROVAL SHALL BE ISSUED, REVOKED, RENEWED OR RESTORED EXCEPT UPON THE ACTION AND REPORT IN WRITING OF THE SUPERINTENDENT. THE SUPERINTENDENT SHALL PRESERVE A WRITTEN REPORT OF HIS FINDINGS AND RECOMMENDATIONS.

Section 451.195 PERIODIC REVIEW

- a) (SECTION 14.1) THE SUPERINTENDENT SHALL REVIEW AND INVESTIGATE ALL APPROVED SCHOOLS AND COURSES OF INSTRUCTION. CONSIDERATION SHOULD BE GIVEN TO COMPLAINTS AND INFORMATION COLLECTED BY THE FEDERAL TRADE COMMISSION, THE BETTER BUSINESS BUREAUS, THE ILLINOIS ATTORNEY GENERAL'S OFFICE -- DEPARTMENT OF CONSUMER PROTECTION, OTHER STATE OR OFFICIAL APPROVAL AGENCIES, LOCAL SCHOOL OFFICIALS OR INTERESTED PERSONS. THE SUPERINTENDENT SHALL ALSO CONDUCT THE FOLLOWING POINTS OF REVIEW:
 - 1) CONFER WITH SCHOOL OFFICIALS OR REPRESENTATIVES AGAINST WHOM COMPLAINTS HAVE BEEN LODGED;
 - 2) INVESTIGATE THE INVOLVED SCHOOL BY VISITATION;
 - 3) INITIATE INVESTIGATIONS UPON RECEIPT OF COMPLAINTS FROM INTERESTED PERSONS.
- b) The Superintendent may assess out-of-state schools for round trip air transportation expense for one professional staff member to conduct an evaluation visitation in conjunction with a school's original application.

SUBPART C: SOLICITOR CERTIFICATION

Section 451.210 SOLICITOR PERMITS - APPLICATION - CONTENTS - FEES - SEPARATE PERMITS

- a) (SECTION 11) AFTER JANUARY 1, 1956, EVERY SOLICITOR REPRESENTING A SCHOOL, WHETHER LOCATED IN THE STATE OF ILLINOIS OR WITHOUT, SHALL MAKE APPLICATION FOR A SCHOOL SOLICITOR PERMIT TO THE SUPERINTENDENT IN WRITING UPON FORMS PREPARED AND FURNISHED BY THE SUPERINTENDENT. THE SOLICITOR SHALL BE APPROVED BY THE SUPERINTENDENT PRIOR TO SOLICITATION OF STUDENTS. EACH APPLICATION SHALL STATE THE NAME OF THE SCHOOL WHICH THE APPLICANT WILL

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

REPRESENT, CONTAIN EVIDENCE OF THE HONESTY, TRUTHFULNESS AND INTEGRITY OF THE APPLICANT, SHALL BE VERIFIED UNDER OATH BY HIM, AND SHALL BE ACCOMPANIED BY THE RECOMMENDATION OF TWO REPUTABLE PERSONS CERTIFYING THAT THE APPLICANT IS TRUTHFUL, HONEST AND OF GOOD REPUTATION, AND RECOMMENDING THAT A PERMIT AS A SOLICITOR BE GRANTED TO THE APPLICANT. THE FEE FOR AN ORIGINAL PERMIT AS A SOLICITOR SHALL BE \$50, AND THERE SHALL BE AN ANNUAL RENEWAL FEE OF \$25. A SEPARATE PERMIT SHALL BE OBTAINED FOR EACH SCHOOL REPRESENTED BY A SOLICITOR.

- b) IN DETERMINING HONESTY, TRUTHFULNESS AND INTEGRITY UNDER THIS SECTION, THE DEPARTMENT MAY TAKE INTO CONSIDERATION ANY FELONY CONVICTION OF THE APPLICANT, BUT SUCH A CONVICTION SHALL NOT OPERATE AS A BAR TO REGISTRATION.
- c) Remittances for solicitor's fees shall be by certified check, cashier's check, money order, or bank draft.
- d) Any person directly procuring students or enrollees for the school by requesting, inducing, or persuading such students to enroll in the school at any place in Illinois other than in the office or place of business of the school shall be deemed a solicitor.
- e) Any person initiating action directly procuring students or enrollees for the school by requesting, inducing, or persuading such students to enroll in the school by telephone shall be deemed a solicitor.
- f) Any person paid to provide names of prospective students to the school but not engaged in requesting, inducing, or persuading such students to enroll in the school shall not be deemed a solicitor.
- g) The school shall submit as part of its initial or renewal application:

- 1) A certified statement as to whether it employs solicitors in Illinois with a list of solicitors employed at the time of application;
- 2) School policies relative to recruitment of solicitors;
- 3) Solicitor employment agreements and contracts;
- 4) Minimum standards for solicitor employment, including position descriptions, if available;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- 5) Copies of sales manuals and instruction materials provided to solicitors;
- 6) A description of the school's training program for solicitors including the blocks of time specifically allotted to those aspects of the program pertaining to:
 - A) the Private Business and Vocational Schools Act and these Rules;
 - B) the school's faculty, program and services;
 - C) the school's ethical, advertising and promotional standards;
 - D) the school's contracts including refund policies;
 - E) Policies relative to solicitors' personnel files, which shall include character references and any complaints;
 - F) A description of the administrative organization used to provide constant and proper supervision of solicitors in the field;
 - G) Forms and criteria used for solicitor evaluation, such evaluations to take place at least once each employment year;
 - H) Advertising used for solicitor recruitment;
 - I) Copies of sales presentations and scripts used by solicitors.
- h) Officers or employees of the school, their relatives, or relatives of the solicitor, shall not be used as character references for solicitor applications.

Section 451.220 Solicitor Bond

- a) (Section 11) WHENEVER REQUIRED BY THE SUPERINTENDENT, EACH SOLICITOR SHALL PROVIDE A SURETY COMPANY BOND FOR THE PROTECTION OF THE CONTRACTUAL RIGHTS OF STUDENTS IN

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

THE AMOUNT OF \$2,000, EXCEPT UNDER EXCEPTIONAL CIRCUMSTANCES UP TO \$10,000, UPON THE ORDER OF THE SUPERINTENDENT. THE SURETY COMPANY BOND SHALL BE WRITTEN BY A COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE.

- b) The application for a solicitor's permit shall be accompanied by a surety bond acceptable to the Superintendent in the sum of \$2,000 to cover claims by Illinois students.
- c) The school may supply a blanket bond covering each of its solicitors in the amount of \$2,000.
- d) Bonds for solicitors shall be continuous and may be supplied by the solicitor or by the school.
- e) Solicitor bonds shall be conditioned to provide indemnification to any student suffering loss as a result of any fraud or misrepresentation used in procuring the student's enrollment.
- f) Neither the principal nor surety on a solicitor's bond may terminate coverage except upon giving thirty (30) days written notice to the Superintendent.
- g) Termination of the school's blanket solicitor bond coverage shall be cause for revocation of its solicitor permits. Termination of the bond of an individual solicitor shall be cause for revocation of the solicitor permit of that individual solicitor only.
- h) Termination of a non-resident school's solicitor bond shall be cause for revocation of its certificate of approval.
- i) The bonding company shall provide reasons for termination for solicitor bond coverage within thirty (30) days of notice of termination.

Section 451.230 Solicitor: POCKET CARDS, ISSUANCE OF, UPON APPROVAL OF APPLICATION - CONTENTS

- a) (Section 12) THE SUPERINTENDENT, UPON APPROVAL OF AN APPLICATION FOR OR RENEWAL OF A PERMIT, SHALL PREPARE AND DELIVER TO EACH SOLICITOR A POCKET CARD, WHICH, AMONG OTHER THINGS, SHALL CONTAIN THE NAME AND ADDRESS OF THE SOLICITOR AND OF THE EMPLOYING SCHOOL AND SHALL CERTIFY THAT THE PERSON WHOSE NAME APPEARS THEREON IS AN AUTHORIZED SOLICITOR OF THE SCHOOL.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- b) The school shall designate an administrator directly responsible for selection, supervision, and evaluation of its solicitors.
- c) Solicitor permits shall be issued only after approval of the school by the Superintendent.
- d) Each solicitor shall display the permit upon request of the prospective student.
- e) The Superintendent may notify the employing school if the solicitor makes application to represent another school.

Section 451.240 Solicitor Responsibility

- a) A solicitor shall not represent in any way that:
 - 1) The Superintendent's approval is other than verification that the school and approved courses of instruction are in compliance with statute, and rules;
 - 2) Completion of the course will guarantee employment or personal earnings for the student;
 - 3) The solicitor has the designation of "registrar," "counselor," "adviser" or any other title of similar import;
 - 4) Any commodity or service is free when, in fact, such commodity or service is regularly included as part of the course.
- b) The solicitor shall not make any fraudulent statement, misrepresentation or misleading fact concerning any phase of the curriculum, premises, equipment or facilities of the school or concerning opportunities for enrollment in any other school or placement or salary statistics. The solicitor shall not make or imply any guarantee of employment, conditional or otherwise.

Section 451.250 Solicitor: ANNUAL RENEWAL OF CERTIFICATES

- a) (Section 13) EACH SCHOOL AND EACH SOLICITOR THAT CONTINUES AS SUCH SHALL ANNUALLY DURING THE MONTH OF DECEMBER RENEW ITS OR HIS CERTIFICATE OF APPROVAL AND PAY THE REQUIRED ANNUAL RENEWAL FEE. THE SUPERINTENDENT

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

SHALL HAVE THE AUTHORITY TO DESIGNATE ALTERNATE RENEWAL AND EXPIRATION DATES FOR ALL CERTIFICATES OF APPROVAL AND SOLICITOR'S PERMITS.

- b) Solicitor renewal applications for permits shall be mailed to the State Board of Education, Non-Public School Approval Section, 100 North First Street, Springfield, Illinois 62777, and postmarked no later than December 1 of each year.

- c) The permit expiration date shall be December 31 of each year.

Section 451.260 Solicitor: Grounds for Refusal to Issue, Renew or to Revoke ... Permits

AGENCY NOTE: See Section 451.180 for listing of Grounds for Refusal.

Section 451.270 SOLICITOR: TERMINATION OF EMPLOYMENT - DELIVERY OF POCKET CARD

- a) (Section 12.1) IN THE EVENT THE APPROVAL OF THE EMPLOYING SCHOOL SHALL LAPSE, BE REVOKED, OR THE SOLICITOR'S EMPLOYMENT TERMINATED, THE SOLICITOR'S POCKET CARD SHALL BE RETURNED IMMEDIATELY IF POSSIBLE BY THE EMPLOYING SCHOOL BY CERTIFIED MAIL, AND IN ALL INSTANCES TOGETHER WITH NOTICE OF SUCH DISCHARGE OR TERMINATION OF EMPLOYMENT TO THE SUPERINTENDENT FOR CANCELLATION.

- b) The school shall notify the Superintendent in writing within fifteen (15) calendar days of any solicitor dismissal or resignation.

- c) The Superintendent may request periodic written verifications of the names and addresses of all authorized solicitors of the school.

SUBPART D: STUDENT AFFAIRS/ADMINISTRATION

Section 451.310 ENROLLMENT AGREEMENTS

- a) (SECTION 15.1) ALL CONTRACTS AND AGREEMENTS USED BY ANY SCHOOL APPROVED BY THE SUPERINTENDENT SHALL INCLUDE THE FOLLOWING DISCLOSURES:

- 1) THE NAME AND ADDRESS OF THE SCHOOL;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- 2) THE NAME AND DESCRIPTION OF THE COURSE OF INSTRUCTION, INCLUDING THE NUMBER OF HOURS OF CLASSROOM INSTRUCTION AND HOME STUDY LESSONS
- 3) THE TOTAL COST OF THE COURSE OF INSTRUCTION INCLUDING ANY CHARGES MADE BY THE SCHOOL FOR TUITION, ROOM AND BOARD, BOOKS, MATERIALS, SUPPLIES, AND OTHER EXPENSES;
- 4) A CLEAR AND CONSPICUOUS STATEMENT THAT THE AGREEMENT IS A LEGALLY BINDING INSTRUMENT WHEN SIGNED BY THE STUDENT AND ACCEPTED BY THE SCHOOL;
- 5) A CLEAR AND CONSPICUOUS CAPTION, "CUSTOMER'S RIGHT TO CANCEL" UNDER WHICH IT IS EXPLAINED THAT THE STUDENT HAS THE RIGHT TO CANCEL THE INITIAL ENROLLMENT AGREEMENT UNTIL MIDNIGHT OF THE SIXTH DAY AFTER THE AGREEMENT IS SIGNED BY THE STUDENT;
- 6) THE FORM AND MEANS OF NOTICE THE STUDENT SHOULD USE IN THE EVENT HE ELECTS TO CANCEL THE CONTRACT AND THE NAME AND ADDRESS OF THE SCHOOL'S REPRESENTATIVE TO WHICH THE NOTICE SHOULD BE SENT OR DELIVERED;
- 7) A CLEAR AND CONSPICUOUS STATEMENT THAT EVERY ASSIGNEE OF A STUDENT ENROLLMENT AGREEMENT OR CONTRACT TAKES IT SUBJECT TO ALL CLAIMS AND DEFENSES OF THE STUDENT OR HIS SUCCESSORS IN INTEREST ARISING UNDER THE CONTRACT.
- b) NO SCHOOL SHALL ENTER INTO ANY ENROLLMENT AGREEMENT OR CONTRACT WHEREIN THE STUDENT WAIVES THE RIGHT TO ASSERT AGAINST THE SCHOOL OR ANY ASSIGNEE ANY CLAIM OR DEFENSE HE MAY HAVE AGAINST THE SCHOOL ARISING UNDER THE CONTRACT. ANY PROVISION IN A CONTRACT WHEREIN THE STUDENT AGREES TO SUCH WAIVER WILL BE RENDERED VOID.
- c) The school shall include in its enrollment agreements the current statement of the Federal Trade Commission relating to the "holder in due course doctrine" to satisfy (a) (7) above.
- d) The Superintendent shall be informed in writing of all payment plans and options available to students.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- e) The school shall include in its enrollment agreements the requirements, as applicable, of the Retail Installment Sales Act of Illinois (Ill. Rev. Stat. 1983, ch. 121 1/2, pars. 501-532).
- f) The school which does not assess finance charges may limit the "Notice To The Buyer" in its enrollment agreement to:
- 1) "Do not sign this agreement before you read it or if it contains any blank spaces.
 - 2) You are entitled to an exact copy of the agreement you signed.
 - 3)"
- g) The school may substitute the caption "Buyer's Right To Cancel" for the caption "Customer's Right To Cancel" on its enrollment agreements.
- h) An enrollment agreement is a contract, shall be separate and distinct from any other document, and be clearly labeled as a contract.
- i) No enrollment agreement or any other contract shall contain a wage assignment provision and/or a confession of judgment clause.
- j) The enrollment agreement shall include the school's refund policy.
- k) The enrollment agreement shall bear a date which indicates its current validity.
- l) The school shall provide space on the enrollment agreement or on an attachment thereto for the school solicitor and/or enrolling school representative to indicate the solicitor's or representative's compliance with requirements enumerated in Sections 451.240, 451.340 and 451.370.

Section 451.320 Advertising: PROHIBITION AGAINST ADVERTISING
 . . . WITHOUT SUPERINTENDENT'S AUTHORIZATION

- a) (Section 4) PRIOR TO THE ESTABLISHMENT OF A PRIVATE BUSINESS OR VOCATIONAL SCHOOL AND THE ISSUANCE OF A CERTIFICATE OF APPROVAL THEREFOR, NO PERSON SHALL

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

ADVERTISE SUCH A SCHOOL OR SOLICIT PROSPECTIVE STUDENTS FOR SUCH A SCHOOL UNLESS SUCH PERSON HAS APPLIED FOR AND RECEIVED FROM THE SUPERINTENDENT AUTHORIZATION TO CONDUCT SUCH ACTIVITY.

- b) In all advertising, the school shall:
- 1) Indicate the complete and correct name and locations of the school as listed on its approval certificate;
 - 2) Indicate the exact locations where training is to be given;
 - 3) Convey true meanings, relationships and conditions when using any illustrations, diagrams, pictures or statements;
 - 4) Use letters of approval, endorsement, commendation and recommendation, from any source, only with the written consent of the authors of such letters. Evidence of such consent shall be on file and subject to inspection. There shall be no payment for the use of such letters. Letters used shall include dates of authorship;
 - 5) Indicate the exact extent or nature of the association with the school of any persons identified in the school's advertising whether:
 - A) A bona fide working member of its faculty;
 - B) A member of its governing or advisory board;
 - C) A consultant in any capacity;
 - D) An owner or investor in the school;
 - 6) Indicate whether its instruction is in-residence, correspondence (home study) or a combination thereof;
 - 7) If advertising expected remuneration for graduates, limit such disclosure to average entry level wages and provide the source and date of the data;
 - 8) If suggesting transferability of its credits to other schools or institutions, provide written evidence of the current acceptability of such credits to the Superintendent.

- c) The school shall not:
- 1) Place its courses of instruction and programs in help-wanted columns in any publication;
 - 2) Represent that the school is "recommended" by the Superintendent;
 - 3) Express or imply that completion of the course of instruction will guarantee employment or personal earnings for the student;
 - 4) Advertise average salary ranges achieved by graduates unless such statistics are based on valid evidence;
 - 5) Advertise in any Illinois publication or on any Illinois radio or television station without prior Illinois school approval.
- d) Unless approved by the Office of the Superintendent of Public Instruction (now the State Board of Education) prior to April 1, 1971, or authorized by law, the school shall not use the words "college" or "university" in its title. The school shall not imply its courses carry college or university credit unless such credit has been authorized by law, approved by the Superintendent, or has been authorized by the Illinois Board of Higher Education.
- e) A school shall be limited to the use of one of the following statements in advertising when referring to its Illinois approval:
- 1) "Approved by the State Board of Education";
 - 2) "Approved by the Illinois State Board of Education, Private Business and Vocational Schools Unit."

Section 451.330 Student Admissions: Practices

- a) The school shall provide to each prospective student its specific admission requirement for each course of instruction which shall include evidence of satisfactory completion of secondary education or the G.E.D. examination, and/or other evidence predicting probable success of the student in the course of instruction.

- b) The school shall maintain verifiable evidence that each student meets the school's admission standards for the course of instruction in which enrolled and that the admission standards provide reasonable indication of the student's potential for successful completion of the course of instruction.
- c) The school shall furnish evidence that each handicapped student who enrolls without governmental agency referral has been informed of requirements for minimum successful performance in the course of instruction and for entrance into the vocation for which the student seeks training. Evidence shall include the school's written policy for students with physical, mental, and learning disabilities.
- d) The school shall not accept an enrollment from a person of compulsory school age unless written assurance has been received from school officials that the enrollment will not be detrimental to the student's required school work.
- e) Unless it is the school's written and published policy, it shall not represent that:
- 1) It will accept a limited number of persons from a geographical area;
 - 2) Applications for enrollment will be considered for only a limited period of time;
 - 3) Such applications must be submitted by a certain date to be acceptable for student admission.
- f) Total tuition for any course of instruction offered by the school shall be the same for all persons at any given time, except for approved discounts which may be given for quantity or group enrollments or for bona fide special payment plans available to all students at the same time. All special payment plans shall be filed at time of original application and at the time of implementation thereafter.
- g) The school shall not represent that any commodity or service is free when, in fact, such commodity or service is regularly included as part of the cost of the course.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

h) The school shall not represent that its graduates will be able to secure positions in a particular field because of completion of one or more of its courses if such positions are available only to persons with additional training or experience.

i) The school shall not represent that its credits are acceptable for admission or advanced standing at any school, college or university unless it has previously filed evidence acceptable to the Superintendent to this effect.

Section 451.340 Catalog/Bulletin/Information

a) The school shall submit at the time of application or renewal three printed or duplicated copies of its program catalog or bulletin with current supplements, if any. One copy shall be certified as true and correct.

b) The school shall provide all prospective students with a printed or duplicated copy of its program catalog or bulletin prior to any signing of the enrollment agreement or contract.

c) The catalog or bulletin shall contain the following school information:

1) The educational philosophy and itemized specific objectives of the school in complete, clear and simply stated language;

2) Month and year of publication;

3) Names, addresses, and telephone numbers of the principal places of instruction and administrative offices;

4) Names and titles of the administrative staff on the date of publication;

5) A description of each course, including specific objectives, content, length of course including clock hours (in-residence schools) and number of lessons (correspondence schools), and prerequisites, if any. Such description shall be consistent with the course of instruction approved by the Superintendent;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- 6) Certificate and diploma requirements;
 - 7) Admission policy and regulations, including prerequisites for enrollment, as described in Section 451.330(a);
 - 8) Policy and regulations relative to standards of student progress;
 - 9) Schedule of tuition and costs, books, supplies, equipment, services, rentals, deposits, housing costs;
 - 10) Minimum terms for payments, including the method used to collect tuitions;
 - 11) Methods used for collecting delinquent payments, if any;
 - 12) Policy and regulations relative to refund of unused tuition, fees and other charges;
 - 13) An accurate description of the school's physical plant;
 - 14) Policy and regulations pertaining to absences, grading and rules of conduct;
 - 15) Calendar, if any;
 - 16) Financial aid/grant and scholarship policy, as described in Section 451.380, if any;
 - 17) Student services, including placement service, guidance/counseling, student employment, if any.
- d) The catalog or bulletin shall reflect the school's current operations. Supplements or errata sheets shall be filed with the Superintendent at the time of implementation of operational changes.

Section 451.350 Instructional Program

- a) No course of instruction shall be taught prior to receipt of the written approval of the Superintendent.
- b) The school shall provide the Superintendent clearly stated written objectives for each course of instruction.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- c) An in-residence school shall provide the Superintendent a course outline with the specific clock hours required for the completion of each unit of instruction. Its program shall be organized according to accepted principles of in-residence instruction.

- d) A correspondence (home study) school shall provide:

- 1) A course outline with a brief description of each lesson;
 - 2) Names of the authors and/or subject matter specialists for all lessons with a statement on their qualifications in the instructional field;
 - 3) Titles, authors and/or subject matter specialists, publishers, and copyright dates of all instructional materials;
 - 4) The minimum passing scores for its tests and examinations;
 - 5) A statement on methods used prior to enrollment to determine the ability of prospective students to read at or above the reading level of its lesson materials;
 - 6) Such lessons and examinations as are requested by the Superintendent.
- e) A correspondence (home study) school shall use lessons and examinations which meet the instructional needs and abilities of its students. It may supplement this material with standard textbooks, study guides and outlines, and other instructional aids. Its instructional materials shall be sufficiently comprehensive to assist students in achieving announced objectives, be up-to-date and organized according to accepted principles of correspondence (home study) instruction.

- f) The school shall provide the Superintendent a course of study, which shall include a statement of methods, materials and equipment needs for each course of instruction.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- g) The school shall establish policies and procedures which ensure "adequate evaluation service," which shall include written policies and procedures for grading required tests and materials for prompt return of such materials, and provisions for comments and suggestions by approved faculty evaluators for written correction of errors and weaknesses.
- h) The school shall establish and provide the Superintendent its policy to determine the maximum student/faculty ratio for each course of instruction. A correspondence (home study) school shall provide, in addition, its policy to determine the maximum student/faculty evaluator ratio for each course of instruction.
- i) The school shall notify the Superintendent within thirty (30) calendar days after a subject or course of instruction has been eliminated from the curriculum.
- j) The Superintendent may require the school to establish performance objectives for specific courses of study.

Section 451.360 Refund Policy

- a) A student, who on personal initiative and without solicitation enrolls, starts, and completes a course of instruction before the sixth day after the enrollment agreement is signed, is not subject to the provisions of 451.310 (a)(5) or 451.360.
- b) Applicants not accepted by the school shall receive a refund of all tuition and fees paid.
- c) Application/registration fees shall be chargeable at initial enrollment and shall not exceed \$75.00.
- d) Deposits or down payments shall become part of the tuition.
- e) The school shall mail a written acknowledgment of a student's cancellation or withdrawal to the student within fifteen (15) calendar days of the postmark date of notification. Such written acknowledgment is not necessary if a refund has been mailed to the student within the fifteen (15) calendar days.
- f) If the school cancels or discontinues a course, the student shall have all tuition, fees, and other charges refunded.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- g) All student refunds shall be made by the school within thirty (30) calendar days from the date of receipt of the student's cancellation.
- h) The Superintendent may request the school to provide its tables used in calculating student refunds.
- i) The school offering in-residence courses of instruction shall, on student notice of cancellation, adhere to either a prorata refund policy including paragraphs (1) and (2) or (1) through (7) on the following minimum refund schedule:
 - 1) When notice of cancellation is given within six days after the date of enrollment, all application/registration fees, tuition, and any other charges shall be refunded to the student;
 - 2) When notice of cancellation is given after the sixth day following enrollment but is given prior to the student's first day of class attendance, the school may retain no more than the application/registration fee;
 - 3) When notice of cancellation is given after the student's first day of class attendance, but prior to the completion of ten (10) percent of the course of instruction, the school may retain the application/registration fee and an amount not to exceed twenty (20) percent of the tuition and other instructional charges;
 - 4) When notice of cancellation is given after the completion of ten (10) percent of the course of instruction, but prior to the completion of twenty-five (25) percent of the course of instruction, the school may retain the application/registration fee and an amount not to exceed thirty (30) percent of the tuition and other instructional charges;
 - 5) When notice of cancellation is given after the completion of twenty-five (25) percent of the course of instruction, but prior to the completion of fifty (50) percent of the course of instruction, the school may retain the application/registration fee and an amount not to exceed fifty (50) percent of the tuition and other instructional charges;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- 6) When notice of cancellation is given after the completion of fifty (50) percent of the course of instruction, but prior to the completion of seventy-five (75) percent of the course of instruction, the school may retain the application/registration fee and an amount not to exceed seventy-five (75) percent of the tuition and other instructional charges;
- 7) When notice of cancellation is given after the completion of seventy-five (75) percent of the course of instruction, the school may retain the application/registration fee and the entire tuition and other instructional charges.
- j) The school offering correspondence (home study) courses (lessons) of instruction shall, on student notice of cancellation, adhere to either a prorata refund policy including paragraphs (a), (b) and (c) or (a) through (h) on the following minimum refund schedule:
 - 1) When notice of cancellation is given within six days following the date of enrollment, all application/registration fees, tuition, and any other charges shall be refunded to the student;
 - 2) When notice of cancellation is given after the sixth day following the date of enrollment and before distribution by the school to the student of the first lesson, the school may retain no more than the application/registration fee;
 - 3) When notice of cancellation is given after the sixth day following the date of enrollment and follows distribution by the school to the student of the first lesson, with such notice given prior to the submission and servicing of the first lesson, the school may retain no more than the application/registration fee and fifty (50) dollars;
 - 4) When notice of cancellation is given after the completion and servicing of the first lesson, but prior to the completion and servicing of ten (10) percent of the lessons, the school may retain the application/registration fee and an amount not to exceed twenty (20) percent of the tuition and other instructional charges;

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED REPEALER

- 5) When notice of cancellation is given after the completion and servicing of ten (10) percent of the lessons, but prior to the completion and servicing of twenty-five (25) percent of the lessons, the school may retain the application/registration fee and an amount not to exceed thirty (30) percent of the tuition and other instructional charges;
- 6) When notice of cancellation is given after the completion and servicing of twenty-five (25) percent of the lessons, but prior to the completion and servicing of fifty (50) percent of the lessons, the school may retain the application/registration fee and an amount not to exceed fifty (50) percent of the tuition and other instructional charges;
- 7) When notice of cancellation is given after the completion and servicing of fifty (50) percent of the lessons, but prior to the completion and servicing of seventy-five (75) percent of the lessons, the school may retain the application/registration fee and an amount not to exceed seventy-five (75) percent of the tuition and other instructional charges;
- 8) When notice of cancellation is given after the completion and servicing of seventy-five (75) percent of the lessons, the school may retain the application/registration fee and the entire tuition and other instructional charges.
- k) The school offering correspondence (home study) courses (lessons) of instruction in combination with in-residence courses of instruction shall provide, in this combination, that a minimum of twenty-five (25) percent of the total tuition and other charges be assessed for in-residence instruction. On student notice of cancellation the school shall adhere to the following minimum refund schedule:
 - 1) When notice of cancellation is given during the home study portion of the course of instruction, the school study portion of the course of instruction, the school shall adhere to a prorata refund policy or to the policy enumerated in Section 451.360 (j);

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED REPEALER

- 2) When notice of cancellation is given during the in-residence portion of the course of instruction, the school shall adhere to a prorata refund based on the tuition and other charges for such instruction.
- 1) Any school refund policy more favorable to the student than those provided in these rules and regulations may be accepted in lieu of the provisions found in (i), (j) and (k) above.

Section 451.370 PLACEMENT SERVICE

- a) (SECTION 2) PLACEMENT SERVICE SHALL REFER TO SERVICES OFFERED OR ADVERTISED BY A SCHOOL WHICH SERVICES PURPORT TO REFER GRADUATES TO SPECIFIC EMPLOYMENT OPENINGS. ALL SCHOOLS WHICH OFFER OR ADVERTISE A PLACEMENT SERVICE FOR ANY COURSE OF INSTRUCTION MUST FILE A CERTIFIED COPY WITH THE SUPERINTENDENT DISCLOSING THE SCHOOL'S PLACEMENT RECORDS DURING THE PAST SCHOOL OR CALENDAR YEAR FOR EVERY COURSE OF INSTRUCTION.
- b) ALL SCHOOLS OFFERING OR ADVERTISING A PLACEMENT SERVICE SHALL BE REQUIRED TO PROVIDE THE PERCENTAGE OF GRADUATES SEEKING PLACEMENT THROUGH THE SCHOOL'S PLACEMENT SERVICE WHO RECEIVED BONA FIDE JOB OFFERS IN THE AREA FOR WHICH THEY WERE TRAINED.
- c) AT THE TIME A STUDENT SIGNS AN ENROLLMENT AGREEMENT THE REPRESENTATIVE OF THE SCHOOL OR SALESMAN MUST DISCLOSE TO THE STUDENT THE ABOVE STATISTICAL INFORMATION FOR THE PARTICULAR COURSE AND AREA OF INSTRUCTION OFFERED FOR SALE IN THE CONTRACT OR ENROLLMENT AGREEMENT.

Section 451.380 Financial Grants

- a) Schools may provide financial grants, gifts, and premiums from their own or other sources, including scholarships based on merit and/or work and services performed only after written policies and procedures for each such program have been received and approved by the Superintendent. Schools need only report financial grant programs from federal and state sources.
- b) Any announcement of such grants shall follow the Superintendent's approval and be made available to all applicants and current students.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- c) The value, number, date of award, source, and full information concerning all grants shall be printed in the school catalog or bulletin.
- d) Remuneration for work and service scholarships shall not be in excess of prevailing local rates for comparable services.
- e) No school shall promote or conduct a talent hunt or other such contests without written approval of the Superintendent.

Section 451.390 Record Keeping

- a) The school shall establish and maintain policies and procedures and have available for inspection a record-keeping system which shall include:
 - 1) A safe, central repository for all records;
 - 2) Length of time active and inactive files shall be maintained and provisions for their storage and disposal;
 - 3) Administrative/supervisory and staff records which verify the information required by the Superintendent;
 - 4) Solicitor records which verify the information required by the Superintendent and which shall include:
 - A) Education/training;
 - B) Area or region of the state, region or territory assigned to the solicitor and solicitor staff;
 - C) Manner of remuneration;
 - D) Past employment;
 - E) Complaints filed against the solicitor;
 - F) Letter of recommendation;
 - G) Other data to reflect solicitor competency.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

- b) The school shall establish, maintain and have available for inspection student records which include:
 - 1) A safe, central repository for all records;
 - 2) Name, address, and date of birth;
 - 3) Education/training;
 - 4) Records of all entrance tests and other data received to determine the student's qualifications for admission;
 - 5) Name of course or courses taken;
 - 6) Date of enrollment;
 - 7) Payment record;
 - 8) Schedule of classes or required hours of attendance;
 - 9) Attendance and absences;
 - 10) Grades earned in each unit of the course taken;
 - 11) Evidence that students have been informed regularly of grades and rate of progress in each course;
 - 12) Final grades, date of completion or discontinuance of the course;
 - 13) Date certificate or diploma was issued; and
 - 14) If placement service is offered, placement efforts to employ the student and place of employment.

SUBPART E: HEARING PROCEDURES

Section 451.410 HEARING OF CHARGES - NOTICE - OPPORTUNITY TO PRESENT EVIDENCE - CONTINUANCES

- a) (Section 18) THE SUPERINTENDENT OR HIS DESIGNEE SHALL, BEFORE REFUSING TO ISSUE OR RENEW, AND BEFORE REVOCATION OF ANY CERTIFICATE OR PERMIT, AT LEAST TEN (10) DAYS PRIOR TO THE DATE SET FOR THE HEARING, NOTIFY IN WRITING THE APPLICANT FOR OR HOLDER OF A CERTIFICATE OR PERMIT, HEREINAFTER CALLED THE RESPONDENT, THAT A HEARING WILL BE HELD ON THE DATE DESIGNATED TO DETERMINE WHETHER THE

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

RESPONDENT IS PRIVILEGED TO HOLD SUCH CERTIFICATE OR PERMIT, AND SHALL AFFORD THE RESPONDENT AN OPPORTUNITY TO BE HEARD IN PERSON OR BY COUNSEL IN REFERENCE THERETO. SUCH WRITTEN NOTICE MAY BE SERVED BY DELIVERY OF THE SAME PERSONALLY TO THE RESPONDENT, OR BY MAILING THE SAME BY REGISTERED MAIL TO THE PLACE OF BUSINESS LAST THERETOFORE SPECIFIED BY THE RESPONDENT IN THE LAST NOTIFICATION TO THE SUPERINTENDENT. AT THE TIME AND PLACE FIXED IN THE NOTICE, THE SUPERINTENDENT OR HIS DESIGNATED HEARING OFFICER SHALL PROCEED TO HEAR THE CHARGES AND BOTH THE RESPONDENT AND THE COMPLAINANT SHALL BE ACCORDED AMPLE OPPORTUNITY TO PRESENT IN PERSON OR BY COUNSEL SUCH STATEMENTS, TESTIMONY, EVIDENCE AND ARGUMENT AS MAY BE PERTINENT TO THE CHARGES OR TO ANY DEFENSE THERETO. THE SUPERINTENDENT OR HIS DESIGNATED HEARING OFFICER MAY CONTINUE SUCH HEARING FROM TIME TO TIME. IF THE SUPERINTENDENT SHALL NOT BE SITTING AT THE TIME AND PLACE FIXED IN THE NOTICE OR AT THE TIME AND PLACE TO WHICH THE HEARING SHALL HAVE BEEN CONTINUED, THE SUPERINTENDENT OR HIS DESIGNATED HEARING OFFICER SHALL CONTINUE SUCH HEARING FOR A PERIOD NOT TO EXCEED THIRTY (30) DAYS. FAILURE OF THE RESPONDENT TO APPEAR ON THE DATE SET FOR HEARING OR FAILURE TO PROCEED AS ORDERED BY THE SUPERINTENDENT OR HIS DESIGNATED HEARING OFFICER SHALL CONSTITUTE A DEFAULT AND AUTOMATIC REVOCATION.

- b) Notice of hearing shall be accompanied by a complaint containing a complete statement of charges and grounds for revocation or refusal to issue a certificate or solicitor permit. Any complaint filed with the Superintendent shall be attached to the notice given hereunder.

Section 451.420 POWER TO SUBPOENA AND ADMINISTER OATHS

- a) (SECTION 19) THE SUPERINTENDENT IS AUTHORIZED TO SUBPOENA AND BRING BEFORE A HEARING OFFICER ANY PERSON OR PERSONS IN THIS STATE AND TO TAKE TESTIMONY EITHER ORALLY OR BY DEPOSITION OR BY EXHIBIT, WITH THE SAME FEES AND MILEAGE AND IN THE SAME MANNER AS PRESCRIBED BY LAWS IN JUDICIAL PROCEDURE IN CIVIL CASES IN CIRCUIT COURTS OF THIS STATE.
- b) THE SUPERINTENDENT OR THE DESIGNATED HEARING OFFICER SHALL ADMINISTER OATHS TO WITNESSES AT ANY HEARING WHICH THE SUPERINTENDENT IS AUTHORIZED BY LAW TO CONDUCT.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Section 451.430 POWER OF CIRCUIT OR SUPERIOR COURTS

- a) (SECTION 20) ANY CIRCUIT COURT OR ANY JUDGE THEREOF, UPON THE APPLICATION OF THE RESPONDENT OR COMPLAINANT, OR OF THE SUPERINTENDENT, MAY BY ORDER DULY ENTERED, REQUIRE THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF RELEVANT BOOKS AND PAPERS BEFORE ANY HEARING THE SUPERINTENDENT IS AUTHORIZED TO CONDUCT, AND THE COURT OR JUDGE MAY COMPEL OBEDIENCE TO ITS OR HIS ORDER BY PROCEEDINGS FOR CONTEMPT.

Section 451.440 SUPERINTENDENT TO PROVIDE STENOGRAPHER - RECORD OF PROCEEDINGS - TRANSCRIPTS - COSTS

- a) (SECTION 21) THE SUPERINTENDENT SHALL PROVIDE A STENOGRAPHER TO TAKE DOWN THE TESTIMONY AND PRESERVE A RECORD OF ALL PROCEEDINGS AT THE HEARING OF ANY CASE INVOLVING THE REFUSAL TO ISSUE OR RENEW, OR THE REVOCATION OF A CERTIFICATE OR PERMIT. THE NOTICE OF HEARING, COMPLAINT AND ALL OTHER DOCUMENTS IN THE NATURE OF PLEADINGS AND WRITTEN MOTIONS FILED IN THE PROCEEDINGS, THE TRANSCRIPT OF TESTIMONY, AND THE ORDERS OF THE SUPERINTENDENT SHALL BE THE RECORDS OF SUCH PROCEEDINGS. THE SUPERINTENDENT SHALL FURNISH A TRANSCRIPT OF SUCH RECORD TO ANY PERSON OR PERSONS INTERESTED IN SUCH HEARING UPON PAYMENT THEREOF OF \$1.50 PER PAGE FOR EACH ORIGINAL TRANSCRIPT AND 60¢ PER PAGE FOR EACH CARBON COPY THEREOF ORDERED WITH THE ORIGINAL; PROVIDED, THAT THE CHARGE FOR ANY PART OF SUCH TRANSCRIPT ORDERED AND PAID FOR PREVIOUS TO THE WRITING OF THE ORIGINAL RECORD THEREOF SHALL BE 60¢ PER PAGE.

Section 451.450 SERVICE OF SUPERINTENDENT'S ORDER UPON RESPONDENT - MOTION FOR REHEARING - TIME - SURRENDER OF CERTIFICATE

- a) (SECTION 22) THE SUPERINTENDENT OR HIS DESIGNATED HEARING OFFICER SHALL PREPARE WRITTEN FINDINGS INCLUDING: (A) A SUMMARY OF THE COMPLAINT; (B) FINDINGS OF FACT; AND (C) REASONS OR BASIS FOR THE ORDER. IN ANY CASE INVOLVING THE REFUSAL TO ISSUE OR RENEW OR THE REVOCATION OF A CERTIFICATE OR PERMIT, A COPY OF THE SUPERINTENDENT'S ORDER SHALL BE SERVED UPON THE RESPONDENT, EITHER PERSONALLY OR BY CERTIFIED MAIL AS PROVIDED IN THIS ACT FOR THE SERVICE OF THE NOTICE OF HEARING. WITHIN TWENTY (20) DAYS AFTER SUCH SERVICE, THE RESPONDENT MAY PRESENT TO THE SUPERINTENDENT A MOTION IN WRITING FOR A REHEARING OR A RESCISSION OF THE ORDER, WHICH WRITTEN MOTION SHALL SPECIFY THE PARTICULAR GROUNDS THEREFOR. IN THE EVENT NO

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

SUCH MOTION FOR REHEARING OR RESCISSION BE FILED, THEN UPON THE EXPIRATION OF THE TIME SPECIFIED FOR FILING A MOTION FOR REHEARING, OR IN THE EVENT SUCH MOTION BE FILED AND DENIED, THEN THE SUPERINTENDENT SHALL ORDER SUCH DENIAL. IF SUCH APPLICANT OR REGISTRANT SHALL ORDER AND PAY FOR A TRANSCRIPT OF THE RECORD AS PROVIDED IN THIS ACT, THE TIME ELAPSING THEREAFTER AND BEFORE SUCH TRANSCRIPT IS READY FOR DELIVERY SHALL NOT BE COUNTED AS PART OF SUCH TWENTY (20) DAYS.

- b) UPON THE REVOCATION OF A CERTIFICATE OR PERMIT, THE HOLDER SHALL BE REQUIRED TO SURRENDER SUCH CERTIFICATE OR PERMIT TO THE SUPERINTENDENT, AND UPON FAILURE OR REFUSAL TO DO, THE SUPERINTENDENT SHALL HAVE THE RIGHT TO SEIZE THE SAME.

Section 451.460 REVIEW UNDER ADMINISTRATIVE REVIEW ACT

- a) (SECTION 23) ANY PERSON AFFECTED BY A FINAL ADMINISTRATIVE DECISION OF THE SUPERINTENDENT MAY HAVE SUCH DECISION REVIEWED JUDICIALLY BY THE CIRCUIT COURT OF THE COUNTY WHEREIN SUCH PERSON RESIDES, OR IN THE CASE OF A CORPORATION, WHEREIN THE REGISTERED OFFICE IS LOCATED. IF THE PLAINTIFF IN THE REVIEW PROCEEDINGS IS NOT A RESIDENT OF THIS STATE, THE VENUE SHALL BE IN SANGAMON COUNTY. THE PROVISIONS OF THE "ADMINISTRATIVE REVIEW ACT," APPROVED MAY 9, 1945, AND ALL AMENDMENTS AND MODIFICATIONS THEREOF, AND THE RULES ADOPTED PURSUANT THERETO, SHALL APPLY TO AND GOVERN ALL PROCEEDINGS FOR THE JUDICIAL REVIEW OF FINAL ADMINISTRATIVE DECISIONS OF THE SUPERINTENDENT HEREUNDER. THE TERM "ADMINISTRATIVE DECISIONS" IS DEFINED AS IN SECTION 1 OF THE "ADMINISTRATIVE REVIEW ACT."

AGENCY NOTE: See ch. 110, par. 264, the Illinois Revised Statutes.

- b) SERVICE OF SUMMONS ISSUED IN SUCH REVIEW PROCEEDINGS MAY BE HAD UPON THE SUPERINTENDENT. THE SUPERINTENDENT SHALL NOT BE REQUIRED TO CERTIFY THE RECORD OF THE PROCEEDINGS UNLESS THE PLAINTIFF IN THE REVIEW PROCEEDINGS SHALL FIRST PAY TO THE SUPERINTENDENT THE SUM OF \$1.50 PER PAGE OF SUCH RECORD. EXHIBITS SHALL BE CERTIFIED WITHOUT COST.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Section 451.470 ENFORCEMENT BY THE ATTORNEY GENERAL - OFFICE OF CONSUMER PROTECTION

(SECTION 25.2) THE SUPERINTENDENT SHALL FORWARD COPIES OF ALL COMPLAINTS OF SALESMEN MISREPRESENTATIONS, DECEPTIVE ADVERTISING, OR OTHER UNFAIR OR MISLEADING TRADE PRACTICES BY PRIVATE BUSINESS, OR VOCATIONAL SCHOOLS OR THEIR AGENTS TO THE OFFICE OF CONSUMER PROTECTION IN THE ILLINOIS ATTORNEY GENERAL'S OFFICE. QUESTIONABLE PRACTICES WILL BE CONSIDERED BY THAT OFFICE TO DISCOVER IF ANY VIOLATION OF THE "CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT," AS NOW OR HEREFTER AMENDED, HAS OCCURRED.

Section 451.480 VIOLATIONS

(SECTION 26) ANY PERSON OR CORPORATION VIOLATING THE PROVISIONS OF THIS ACT SHALL, IF A PERSON, BE GUILTY OF A CLASS A MISDEMEANOR. ANY OFFICER OR AGENT OF A CORPORATION OR MEMBER, OR AGENT OF A COPARTNERSHIP, OR ASSOCIATION, SHALL BE SUBJECT TO THE PENALTIES HEREIN PRESCRIBED FOR INDIVIDUALS; AND THE STATE'S ATTORNEY OF THE COUNTY WHERE SUCH OFFENSE IS COMMITTED SHALL PROSECUTE ALL PERSONS VIOLATING THE PROVISIONS OF THIS ACT UPON PROPER COMPLAINT BEING MADE.

Section 451.490 INJUNCTION

(SECTION 26.1) UPON APPLICATION OF THE SUPERINTENDENT THROUGH HIS ATTORNEYS, THE CIRCUIT COURT OF EACH COUNTY IN WHICH A VIOLATION OF THIS ACT OR THE RULES AND REGULATIONS HAS OCCURRED, SHALL HAVE JURISDICTION TO ENJOIN ANY VIOLATION THERETO.

Section 451.495 PRIVATE ACTION FOR DAMAGES

(SECTION 26.2) ANY PERSON WHO SUFFERS DAMAGES AS A RESULT OF A VIOLATION OF THIS ACT COMMITTED BY ANY SCHOOL OR ITS REPRESENTATIVE MAY BRING AN ACTION AGAINST SUCH SCHOOL. THE COURT IN ITS DISCRETION MAY AWARD ACTUAL DAMAGE OR ANY OTHER RELIEF WHICH THE COURT DEEMS PROPER.

- a) SUCH ACTION MAY BE COMMENCED IN THE COUNTY IN WHICH THE SCHOOL IS LOCATED, HAS ITS PRINCIPAL PLACE OF BUSINESS, OR IN THE COUNTY WHERE THE TRANSACTION OR ANY SUBSTANTIAL PORTION THEREOF OCCURRED.
- b) IN ANY ACTION BROUGHT BY A PERSON UNDER THIS SECTION, THE COURT MAY AWARD, IN ADDITION TO THE RELIEF PROVIDED IN THIS SECTION, REASONABLE ATTORNEY'S FEES AND COSTS TO THE PREVAILING PARTY.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

Section 451. APPENDIX A Definitions

"ADEQUATE EVALUATION SERVICE"--THE PROPER RECEIPT AND PROMPT EVALUATION OF ALL REQUIRED TESTS AND MATERIALS WITH APPROPRIATE WRITTEN COMMENTS AND SUGGESTIONS FOR CORRECTION OF ERRORS AND APPARENT WEAKNESSES AND THE PROMPT RETURN OF SUCH CORRECTED MATERIALS TO STUDENTS CONCERNED.

"Board"--the Private Business and Vocational Schools State Advisory Board created by the Private Business and Vocational Schools Act.

"Certificate"--a written, dated statement made over the seal of the granting institution and the signature of one or more of its officers certifying that the recipient has satisfactorily completed an organized program of study.

"Certificate of Approval"--the document issued by the Superintendent after all the mandated conditions of the Private Business and Vocational Schools Act and its rules in relation to the regulation of business and vocational schools in Illinois have been formally met by the applicant school. The certificate permits operations as a "school" in Illinois.

"Cluster of occupations"--a group of occupations for which a common core of instruction can be prepared.

"Conditional approval"--a status which may be given by the Superintendent to a school seeking approved status. If after review a school is found to possess certain deficiencies that are not so serious as to cause denial of approval, the Superintendent may grant conditional approval with conditions listed.

"Correspondence (home study) school"--a school offering courses of instruction by mail, sending lessons and examinations to students periodically, and providing adequate evaluation service.

"Course"--a unit of subject matter, organized for both instructional and administrative purposes, given within a specified period of time, and covering a specified amount of subject matter.

"Course of instruction"--a series of courses, having a unified purpose, which lead to achievement of instructional objectives.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

"Course of study guide"--a detailed guide prepared by administrators, supervisors, and teachers as an aid to teaching a given subject or area of study including statements on methods, materials, and instructional equipment needed.

"Curriculum"--the entire set of courses of instruction and learning experiences a school offers.

"Date of enrollment"--the date of the latest signature affixed to the enrollment agreement as evidenced by signature by the student and the school.

"Date of notice"--the date a notice of hearing is received by the respondent.

"Degree"--an award given to a person who has satisfactorily completed an organized academic program of study at a post-secondary level of instruction.

"Diploma"--a written and dated statement made over the seal of the granting institution and the signature of one or more of its officers certifying that the recipient has satisfactorily completed an organized program of study leading to an educational objective.

"In-residence school"--a school that offers courses of instruction on its premises.

"Lesson"--a term used by a correspondence (home study) school to describe a single unit in a uniform series of units of instruction.

"Non-resident school"--any school where the place of instruction or legal place of residence or place of evaluation of instruction or work by correspondence or any one or combination of these is not within the legal boundaries of the State of Illinois.

"Original School"--a "school" not holding a current, valid certificate which is making application for approval. The "school" may have received a certificate to operate in Illinois previously which had expired or been revoked, made application previously and withdrawn that application, or have had a previous application denied.

"Placement service"--an organized system of information, records, and services for students seeking employment.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

"Private business school", or "school"--AN EDUCATIONAL INSTITUTION PRIVATELY OWNED AND OPERATED BY AN OWNER, PARTNERSHIP, OR CORPORATION, OFFERING COURSES, SUBJECTS, OR PROGRAMS FOR WHICH TUITION IS CHARGED, FOR SUCH INSTRUCTION WHETHER BY IN-RESIDENCE, CORRESPONDENCE, OR OTHER METHODS TO PREPARE INDIVIDUALS:

- (1) TO FOLLOW A TRADE;
- (2) TO PURSUE A MANUAL, MECHANICAL, TECHNICAL, INDUSTRIAL, BUSINESS, COMMERCIAL, OFFICE, PERSONAL SERVICE (OTHER THAN NURSING), OR OTHER NONPROFESSIONAL OCCUPATION; OR
- (3) TO FOLLOW A PROFESSION, IF THE SCHOOL IS NOT SUBJECT TO APPROVAL AND LICENSING UNDER ANY EXISTING STATUTE OF THE STATE OF ILLINOIS;
- (4) TO IMPROVE, ENHANCE, OR ADD TO THE SKILLS AND ABILITIES OF THE INDIVIDUAL RELATIVE TO OCCUPATIONAL RESPONSIBILITIES OR CAREER OPPORTUNITIES.

NOT INCLUDED ARE NONPROFIT SCHOOLS CONDUCTED BY BONA FIDE eleemosynary, religious or public institutions which are exempt from property taxation under Illinois laws and courses, subjects and programs offered by employers provided such instruction is offered to employees only.

"Refund policy"--the course of action followed by a school to reimburse students cancelling a contract and not completing a course of study.

"Renewal school"--a "school" holding a current, valid certificate making application for uninterrupted continuation of its approved status.

"Solicitor"--a person employed by a "school" to act as an agent, sales person, broker or independent contractor to directly procure students or enrollees for a school by solicitation in any form at any place other than the office or place of business of the school.

"Student"--a person enrolled for study in a "school."

"Superintendent"--the Illinois Superintendent of Education"

"Supervisor"--a specific title designating an individual in a head administrative/supervisory capacity, often referred to as a director in proprietary educational institutions.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

"Teaching assistant"--one who aids a teacher but is not responsible for professional instructional activities or final student evaluation.

"Tuition"--ANY PAYMENT OR COMPENSATION FOR INSTRUCTION AND RELATED COSTS WHETHER PAID BY AN INDIVIDUAL, PRIVATE ORGANIZATION OR ANY AGENCY OF THE UNITED STATES, STATE OF ILLINOIS OR ANY POLITICAL SUBDIVISION THEREOF.

"Vocational/trade/technical school"--a school whose primary purpose is to offer courses designed to provide its students with instruction in the practical arts, particularly in the skills and crafts as distinguished from the professions, business, and unskilled work.

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED RULES

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED RULES

1) Heading of the Part: Private Business and Vocational Schools

2) Code Citation: 23 Ill. Adm. Code 451

3) Section Numbers:

<u>Section Numbers:</u>	<u>Proposed Action:</u>
451.10	New Section
451.20	New Section
451.30	New Section
451.40	New Section
451.50	New Section
451.60	New Section
451.70	New Section
451.80	New Section
451.90	New Section
451.100	New Section
451.110	New Section
451.120	New Section
451.200	New Section
451.210	New Section
451.220	New Section
451.230	New Section
451.235	New Section
451.240	New Section
451.250	New Section
451.260	New Section
451.270	New Section
451.280	New Section
451.290	New Section
451.300	New Section
451.400	New Section
451.410	New Section
451.420	New Section
451.430	New Section
451.500	New Section
451.510	New Section
451.520	New Section
451.530	New Section
451.540	New Section
451.550	New Section
451.555	New Section
451.560	New Section
451.570	New Section
451.580	New Section
451.590	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 144, par. 136 et seq., as amended by P.A. 85-1382 and P.A. 85-1383.
- 5) A Complete Description of the Subjects and Issues Involved: These rules regulate private business and vocational schools under authority granted the State Board of Education by the Private Business and Vocational Schools Act (Ill. Rev. Stat. 1987, ch. 144, par. 136 et seq.). In light of extensive changes in the Act, the State Board is proposing to repeal the current Part 451 governing private business and vocational schools and to adopt this new Part 451. The rules set requirements for approving schools, including requirements for school operations, personnel, and recordkeeping.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments must be received no later than the close of business on August 15, 1989. Comments should be addressed to:

Roy McDermott
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5518

In addition, a public hearing will be held to receive comments on these rules. The hearing will be held on July 18, 1989 in Room 9-040 (9th floor), State of Illinois Center, 100 West Randolph Street, Chicago, starting at 10:00 a.m. and concluding at 2:00 p.m. Hearing procedures are as follows:

1. Speakers will be heard in the order that their names appear on a registration list located at the hearing room door. The list will be available thirty (30) minutes before the start of the hearing.

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED RULES

2. Oral testimony will be limited to (5) minutes duration. Written testimony may be of any length.
 3. Oral and written testimony must identify, by the numbering system contained in the rules, the specific rule being addressed.
 4. Ten (10) copies of the written testimony must be provided and left at the registration table at the time of sign-up in order that an accurate record of the testimony may be kept.
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 26, 1989
 - B) Types of small businesses affected: Private business and vocational schools as defined in Section 1 of the Private Business and Vocational Schools Act (Ill. Rev. Stat. 1987, ch. 144, par. 136)
 - C) Reporting, bookkeeping or other procedures required for compliance: In addition to the information which must be submitted as part of the annual approval process, the rules require that approved schools maintain several categories of records, including student records, placement records and curricular materials.
 - D) Types of professional skills necessary for compliance: The rules in Subpart C set minimum standards for school administrators, faculty members and sales representatives. These persons are required to have the education and/or experience specified in the rules.

The full text of the Proposed Rule(s) begins on the next page:

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER m: POSTSECONDARY SCHOOLS

PART 451
PRIVATE BUSINESS AND VOCATIONAL SCHOOLS

SUBPART A: SCHOOL APPROVAL

Section	
451.10	Introduction
451.20	Application for Certificate of Approval
451.30	Out-of-State School Approval
451.40	Classroom Extensions
451.50	Supplementary Courses of Instruction
451.60	Change of School Location
451.70	Change of School Ownership
451.80	School Closing/Change of Status
451.90	Warning, Suspension, Revocation of Accreditation and/or Approval
451.100	Inspection and Periodic Review
451.110	Cease and Desist Orders
451.120	Comparison of Graduation or Completion Rates

SUBPART B: SCHOOL STRUCTURE AND OPERATIONS

Section	
451.200	School Purpose
451.210	Administration and Organization
451.220	Financial Resources/Financial Recordkeeping
451.230	School Surety Bond
451.235	Liability Insurance
451.240	Recordkeeping
451.250	School Advertising
451.260	School Catalog/Bulletin
451.270	Instructional Program and Services
451.280	Home Study and Home Study/In-Residence Schools
451.290	Student Work Experience
451.300	Instructional Equipment, Facilities and Materials

SUBPART C: SCHOOL PERSONNEL

Section	
451.400	Administrator Qualifications
451.410	Faculty Qualifications
451.420	Sales Representatives
451.430	Sales Representative Bond

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

SUBPART D: STUDENTS

Section	Student Admissions Standards
451.500	Handicapped Students
451.510	Enrollment Agreements
451.520	Student Obligations, Cancellation and Refund Policies
451.530	Student Personnel Services
451.540	Placement Assistance
451.550	Student Progress
451.555	Student Attendance and Tardiness
451.560	Student Conduct and Discipline
451.570	Student Rights
451.580	Student Complaints
451.590	

AUTHORITY: Implementing and authorized by the "Private Business and Vocational Schools Act" (Ill. Rev. Stat. 1987, ch. 144, par. 136 et seq., as amended by AN ACT relating to private business and vocational schools, amending the Acts therein named P.A. 85-1382, effective January 1, 1989).

SOURCE: Adopted February 1, 1973; codified at 8 Ill. Reg. 16289; Part repealed, new Part adopted at 12 Ill. Reg. _____, effective _____.

SUBPART A: SCHOOL APPROVAL

Section 451.10 Introduction

- a) The State of Illinois recognizes the importance and significant public contributions of private schools offering occupational training to its citizens. It has delegated responsibility for rulemaking and approving and monitoring these schools to the State Board of Education and State Superintendent of Education in the "Private Business and Vocational Schools Act" (Ill. Rev. Stat. 1985, ch. 144, par. 136 et seq.), hereinafter referred to as the Act. The Act provides for the establishment of rules and standards which schools and individuals must meet prior to the issuance of original certificates of approval or permits and the renewal of such certificates or permits.

- b) Schools or individuals making original application for approval shall meet all applicable requirements of this Part prior to a certificate of approval or permit being issued. Schools or sales representatives already holding valid certificates of approval or permits shall satisfy all provisions stated herein as a condition for the renewal of their certificate or permit(s).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- c) Schools shall have a copy of the Act and this Part available for reference by their staff and students at their principal location within Illinois.

Section 451.20 Application for Certificate of Approval

- a) A school, as defined in Section 1 of the Act, shall submit an original application for its first approval year on forms provided by the Superintendent, unless exempt under Section 1.1 of the Act.
- b) The school shall include with the original application the information required by Sections 6 and 7 of the Act, the fee(s) required by Section 10 of the Act, copies of its policies, procedures, and operations required by this Part, and its annual academic calendar.
- c) If the Superintendent finds that the original application is not complete, the application and fee(s) shall be returned to the school with a statement that certain required information is missing.
- d) If a completed original application is rejected, the Superintendent shall:

- 1) issue a written report specifying the reason for the rejection within sixty (60) business days from receipt of the application;
 - 2) issue a certificate of approval only after the reasons for rejecting the application have been removed.
- e) If a school is in disagreement with the Superintendent's findings regarding its original application, it may, within sixty (60) business days of receipt of the application deficiency report, petition the Superintendent in writing for a reexamination of the application. The petition shall include the reasons for disagreement with the Superintendent's findings, and documentation and exhibits supporting the school's contentions of approvability. If, based on the petition and reexamination of the application, the Superintendent finds and issues a report stating that the school still has not fulfilled all requirements for approval, the school may make a written request within thirty (30) business days of receipt of this report for an informal hearing to show why it believes it has satisfied all application requirements. The request will be granted within thirty (30) business days of receipt of that request. If, as a result of the presentation by the applicant, the Superintendent determines that application

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

deficiencies cannot be resolved, the Superintendent shall call for a hearing, as provided in Paragraph 151, Section 16 and Paragraph 153, Section 18 of the Act, to refuse to issue a Certificate of Approval; or the Superintendent shall allow the applicant to continue efforts to remove application deficiencies, subject to the provisions of subsection (f) of this Section, if it appears that the school can resolve application deficiencies within the time limitations of subsection (f).

- f) If the Superintendent finds a school has not satisfied the original application requirements within twelve (12) months from the date of receipt of the application, the school shall pay an additional \$500 original application fee if the school continues the application process.
- g) A school or school extension which has not provided instruction in any approval year and that desires to resume operations in Illinois shall file an original application and pay the original application fee.
- h) A school shall submit a renewal application by April 1 of each year on forms provided by the Superintendent which update the information previously submitted by the school and which call for information that has not been reported by the school since the filing of the original application.

Section 451.30 Out-of-State School Approval

- a) An out-of-state school shall annually provide the Superintendent with evidence of full approval or accreditation by the regulatory agency of each state in which the school is located or conducts business.
- b) At the time of original and renewal applications, an out-of-state school shall present the Superintendent with copies of any consent order entered into with the Federal Trade Commission.
- c) An out-of-state school shall not market its degree programs in Illinois without having first presented the Superintendent with evidence of degree granting authority from the state in which it is located.

Section 451.40 Classroom Extensions

- a) A school shall be permitted to provide instructional services at locations other than its principal location only upon filing a separate application for approval of each classroom extension and payment of the application fee specified in the Act. There shall

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

be no instruction conducted at any extension site without the Superintendent's written approval of the site. If instruction has been conducted at the extension site during the previous approval year, the school shall make application for continued approval of the site with its annual renewal application.

- b) The approval year for extensions shall coincide with that of the original application or any renewal applications.
- c) Included in the original application for each extension shall be the following:
 - 1) the extension site's address and telephone number;
 - 2) the name, business address, and telephone number of the site's administrator(s) during hours of instruction;
 - 3) inventories of instructional equipment;
 - 4) detailed facility plans;
 - 5) certificate of liability insurance coverage for the site or a rider to the certificate indicating site coverage;
 - 6) documentation verifying that the site meets local health and safety requirements;
 - 7) descriptions of the specific courses of instruction to be offered;
 - 8) projected enrollment figures;
 - 9) description of the plans and procedures for ensuring supervision during the hours that instruction is being given and students are present;
 - 10) a list of all faculty and the subjects they are assigned to teach;
 - 11) verification of qualification of faculty and administrators;
 - 12) indication of surety bond coverage for the site;
 - 13) three copies of a new or revised catalog/bulletin or three copies of catalog/bulletin supplements which give information on the extension site;
 - 14) copies of advertising materials to be used for the extension site.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- d) A school shall have written policies and procedures for the administration and control of its extensions which describe provisions for regular and direct:
- 1) supervision and control of activities at the site during its hours of operation;
 - 2) evaluation of instructional activities at the site.
- e) If an administrator appointed under Section 451.400 of this Part is not at the site when students are present and instruction is being given, the policies and procedures shall provide for an administrator to be immediately on call to answer student and faculty questions and give direction for any contingencies which may occur. The school shall furnish students and faculty with the name, address, and telephone number of the extension administrator(s).
- f) The Superintendent may deny or revoke approval of an extension if it is found that:
- 1) the extension's instructional program is not comparable to that provided at the principal location or other extension sites;
 - 2) a school has not provided instruction at the extension site during the previous year.
- g) A school shall notify the Superintendent at least five (5) business days prior to closure of any extension during any approval year.

Section 451.50 Supplementary Courses of Instruction

- a) The school shall make application for approval of any supplementary course of instruction by completing forms provided by the Superintendent and paying the fee specified in the Act.
- b) Applications for approval of supplementary courses of instruction shall be submitted at least thirty (30) calendar days prior to the date instruction in the course will begin.
- c) Requirements for approval of supplementary courses of instruction shall be the same as those for original course approval under Section 451.270 of this Part.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

Section 451.60 Change of School Location

- a) A school shall notify the Superintendent at least thirty (30) calendar days in advance of any change of its principal location. It shall file an application on forms provided, pay the fee specified in the Act, and secure approval prior to operating at the new location.
- b) Included in the application for change of location shall be the following:
- 1) the new location's address and telephone number;
 - 2) assurance that the site will be operated in accordance with the school's policies and guidelines as previously submitted to the Superintendent;
 - 3) inventories of instructional equipment if different from those previously submitted to the Superintendent;
 - 4) detailed floor and training ground plans;
 - 5) certificate of liability coverage or a rider indicating coverage of the new site;
 - 6) documentation that the new site meets local health and safety requirements;
 - 7) documentation of bond coverage for sales representatives at the site;
 - 8) documentation of school surety bond coverage for the site;
 - 9) three (3) copies of the school's revised catalog/bulletins or catalog/bulletin supplements which give a description of the new site and its address;
 - 10) academic calendar for the location.
- c) A school shall arrange for a designee of the Superintendent to visit the site of any changed location of the school prior to the Superintendent's issuing of a certificate of approval.

Section 451.70 Change of School Ownership

- a) When a school has a change of fifty (50) percent or more of the school's stock or assets, in one or a series of transactions occurring within a three year period, it shall immediately file a change of ownership application with the fee specified in the Act. Included in this application shall be the following:

- 1) the names, addresses, and corporate titles of all persons or other entities having a financial interest of ten (10) percent or more of the ownership;
- 2) evidence of liability insurance coverage for students and employees;
- 3) evidence of qualification for all new managing employees and faculty;
- 4) a new or revised catalog/bulletin or a supplement which describes the changed operations;
- 5) a financial report on forms provided for schools making original application;
- 6) a fully executed surety bond and, if sales representatives are employed, a fully executed sales representative bond;
- 7) evidence of compliance with the laws in the state in which the school is located and, if it is an out-of-state school, a statement of consent pursuant to Section 25.1 of the Act that actions may be commenced against the applicant in the courts of Illinois;
- 8) a report on any other changes made in the school's organization and operations since the last application was filed and approved by the Superintendent;
- 9) a report on arrangements made to ensure continuing operations and compliance with the Act and this Part during the change of school ownership.
- b) The Superintendent will review the application for change of ownership and, upon determining that the application is complete and the school is in compliance with the Act and regulations, issue a certificate of approval within 30 days of receipt of such application.
- c) Following a change of ownership the new owner(s) must obtain a certificate of approval in order to operate the school.

Section 451.80 School Closing/Change of Status

- a) A school shall have written plans designed to protect the contractual rights, including the right to complete the course of instruction in which they were enrolled, of its students and

graduates in the event the school closes or undergoes a change of status. It shall return its certificate of approval to the Superintendent immediately by mail upon cessation of instruction or termination of approved status.

- b) A school which is closing, either voluntarily or involuntarily, shall:
 - 1) inform the Superintendent of this action immediately by certified mail;
 - 2) give the Superintendent the name, address, and telephone number of the person who will be responsible for closing arrangements;
 - 3) provide the Superintendent with the name, address, and telephone number and the name of the course of instruction for each student who has not completed his or her course of instruction;
 - 4) provide the Superintendent with information on the amount of class time left for each student to complete the course with the amount of refund, if any, for which each student is eligible;
 - 5) furnish the Superintendent with copies of the written notice being mailed to all enrolled students explaining the procedures they are to follow to secure refunds or to continue their education;
 - 6) file procedures for disbursement of refunds with the Superintendent and set a date no later than thirty (30) days from the last day of instruction to issue refund checks in the full amount for which students are entitled;
 - 7) immediately at its closing, transfer its permanent student records to the Superintendent.
- c) If students are receiving instruction prior to the school's closing, the school shall file a plan with the Superintendent to ensure that the school's students will continue to receive training of the same quality and content as that for which they contracted.
- 1) Arrangements for transferring students to a public or another approved private school shall be filed with the Superintendent prior to any student transfer.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 2) Prior to approving the school's arrangements for completing its teaching obligations to students, the Superintendent shall verify that students transferring will receive the same kind of program and instructional services as those for which they contracted.
- d) If the Superintendent, in any situation in which students are receiving instruction prior to a school's closing, determines that
- 1) the school has not fulfilled its contractual obligations, or
 - 2) a student has reasonable objections to transfer resulting from the closing, the school shall refund all tuition, fees, and other charges.

Section 451.90 Warning, Suspension, Revocation of Accreditation and/or Approval

A school shall provide the Superintendent with a copy of any notice of warning, suspension, or revocation received from any national, regional, or state accrediting and/or approval agency within fifteen (15) days of receipt of such notice. The school shall at the same time inform the Superintendent in writing of actions being taken to correct the deficiencies cited.

Section 451.100 Inspection and Periodic Review

- a) A school shall provide the Superintendent and his/her designee(s) access to all information, records, physical facilities, school personnel, including advisory groups and administrators, students and graduates as may be necessary to verify compliance with the Act and this Part.
- b) A SCHOOL SHALL PERMIT THE SUPERINTENDENT OR HIS/HER DESIGNEE(S) TO INSPECT THE SCHOOL WITH OR WITHOUT NOTICE.
- c) A school located in Illinois shall be inspected within the first eighteen (18) months after the issuance of its original Illinois certificate of approval.
- d) After an initial inspection prior to original approval, existing schools shall be inspected for the purposes of validating continuing compliance with the Act and this Part and to determine whether the school is adhering to its own policies and procedures and is providing its described programs and services.
- e) Whenever an inspection or other investigation reveals lack of compliance with the Act or this Part, the Superintendent shall send the school a report of deficiencies. The school shall have fifteen (15) calendar days to respond to the report on actions which have been taken to correct these deficiencies.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) The school's response shall indicate action which has been or will be taken to correct deficiencies cited.
- 2) If violations cited are not corrected within thirty (30) days following the school's receipt of the report, the Superintendent shall proceed to a hearing to revoke, suspend, or place on probation the school's certificate of approval.
- 3) A school whose certificate has been placed on suspension shall not be permitted to engage in any marketing or student enrollment activities or begin the instruction of any new students during the period of suspension.
- f) For the purpose of conducting periodic inspections, with thirty (30) calendar days' notice, the Superintendent may require schools located fifty (50) or more miles outside Illinois to furnish in writing the same information reviewed during on-site inspections of schools located in Illinois.

Section 451.110 Cease and Desist Orders

- a) Under authority given in Section 17 of the Act, during any time which may be designated for remediating deficiencies prior to revocation or refusal to renew a certificate of approval, the Superintendent may issue a directive ordering a school to cease and desist all sales, advertising, marketing and enrollment activities for any cause enumerated in Section 16 of the Act exclusive of those causes enumerated in paragraphs 3 and 4 of that Section.
- b) On receipt of a cease and desist order the school shall immediately cease and desist from all sales, advertising, marketing and enrollment activities. It shall report to the Superintendent in writing within fifteen (15) days on actions which will be taken to correct the deficiencies cited. The report shall include the date(s) for completion of corrective activities.
- c) The Superintendent shall notify the school in writing immediately when conditions relating to issuance of the order have been rectified and the school is again eligible to resume its normal sales, advertising, marketing and enrollment functions.
- d) If deficiencies noted by the Superintendent are not corrected within thirty (30) days following the school's receipt of the report, the Superintendent shall proceed to a hearing to show why the school's certificate of approval should not be placed on probation, suspended or revoked.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

Section 451.120 Comparison of Graduation or Completion Rates

- a) The following definitions shall apply for purposes of collecting data for comparison of graduation or completion rates as required in Section 14.1 of the Act and this Part:

1) "Business schools" include but are not limited to schools in which the majority of students are enrolled in courses of instruction or subjects such as accounting, business management, computer programming and operations, court reporting, data entry and reporting, fashion careers, hospitality/hotels, paralegal, retailing and merchandising, secretarial and office skills, securities and banking, travel, and word processing.

2) "Technical or Vocational schools" include trade schools and other schools in which the majority of students are enrolled in courses of instruction or subjects such as art/design, aviation, appliance repair, automotive repair, bartending, commercial arts, computer maintenance, carpentry, cooking, diesel technology, dog-grooming, drafting, electronics technology, forestry, heating/air conditioning, horseshoeing, interior decoration, locksmithing, modeling, sign painting, radio/television broadcasting, shoe repair, truck driving, welding, and allied health occupations such as dental assisting, health aides, medical assistant, medical records, medical technician, nurses aides/assistant, and pharmacy assistant.

b) THE SUPERINTENDENT SHALL ANNUALLY REVIEW AND INVESTIGATE ALL APPROVED SCHOOLS AND COURSES OF INSTRUCTION. SUCH ANNUAL REVIEW SHALL INCLUDE A COMPARISON BETWEEN THE GRADUATION OR COMPLETION RATE FOR THE SCHOOL AND THE GRADUATION OR COMPLETION RATE FOR THE SCHOOLS WITHIN THE INDUSTRY THE SCHOOL REPRESENTS SUCH AS BUSINESS, TECHNICAL OR VOCATIONAL SCHOOLS. ANY SCHOOL THAT FAILS TO MAINTAIN A GRADUATION OR COMPLETION RATE GREATER THAN 50% OF THE AVERAGE GRADUATION OR COMPLETION RATE FOR SCHOOLS WITHIN THAT INDUSTRY SHALL BE PLACED ON PROBATION FOR ONE YEAR. IF THAT SCHOOL'S GRADUATION OR COMPLETION RATE FAILS TO EXCEED 50% OF THE AVERAGE GRADUATION RATE FOR SCHOOLS WITHIN THAT INDUSTRY FOR THAT SCHOOL'S NEXT FISCAL YEAR, THEN THE SUPERINTENDENT SHALL REVOKE THAT SCHOOL'S APPROVAL TO OPERATE IN THE STATE OF ILLINOIS.

c) To satisfy this requirement schools shall submit data annually to the Superintendent which identifies graduation or completion rates.

1) Data shall be submitted on forms provided by the Superintendent at the time of application for renewal of the school's certificate of approval.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

2) Data shall be compiled for the school's last completed fiscal year and shall be certified true and correct.

3) Schools shall maintain records, available for the Superintendent's review, which substantiate the annual graduation or completion rate data submitted. Recordkeeping required in Section 451.240 of this Part will satisfy the requirements of this subsection.

SUBPART B: SCHOOL STRUCTURE AND OPERATIONS

Section 451.200 School Purpose

The school shall prepare a statement of school purpose which describes its general aims and principles. The purpose shall be peculiar to the school, its staff and student body and feature the special characteristics of its occupational programs.

Section 451.210 Administration and Organization

Each school shall develop and maintain an administrative organization and organizational chart which will be submitted with its application. The organizational chart shall name the chief managing employee and any assistant chief managing employee(s) and specify their functions.

Section 451.220 Financial Resources/Financial Recordkeeping

a) The school shall provide the following financial information based on an established system of accounting and prepared and certified by an accountant with each original application and each annual renewal:

- 1) income statement;
- 2) balance sheet;
- 3) annual report (where applicable); and
- 4) past years' financial history (where applicable).

b) If, after analyzing the school's financial reports and records, the Superintendent determines a school is not financially sound or that it has financial difficulties deemed serious enough to consider denial or revocation of approval or that its records are incomplete or inaccurate, the Superintendent shall require the school within 75 calendar days of written notice to submit:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) a financial audit report signed by an independent certified public accountant;
- 2) its most recent federal and state income tax reports.

Section 451.230 School Surety Bond

- a) A school shall supply the Superintendent with the original copy of a fully executed, continuous surety bond written by a company authorized to do business in Illinois in the sum of no less than \$10,000.
 - 1) In the event that the school will have unearned prepaid tuition for Illinois students at any one time in an amount which exceeds \$10,000, it shall increase the amount of its bond by \$10,000 increments up to a maximum of \$100,000 so that the sum of the bond always exceeds the amount of the unearned prepaid tuition.
 - 2) If unearned prepaid tuition for Illinois students in the possession of the school will exceed \$100,000, the bond shall be in a sum at least equal to the greatest projected amount of unearned prepaid tuition which will be in the school's possession at any one time.
- b) The school shall submit its projection of greatest amount of unearned prepaid tuition with its initial application for a certificate and the actual amount, based upon the record of the previous fiscal year, with each succeeding application.
- c) Should the Superintendent determine after applying the provisions of this Section that the school must increase the amount of bond coverage, the school shall file a bond rider acknowledging increased coverage within thirty (30) calendar days of receipt of the Superintendent's notice requiring such increase.
- d) In the event of cancellation of the bond by a bonding company, the school shall furnish a fully executed replacement bond to the Superintendent within ninety (90) calendar days of the Superintendent's receipt of the notice of cancellation.
- e) The bonding company shall on the Superintendent's request provide reasons for bond termination within thirty (30) calendar days of the Superintendent's receipt of notice of such termination.
- f) Termination of the school's surety bond coverage shall be grounds for revocation of its certificate of approval.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- g) When the school provides instruction at extensions, the surety bond or riders attached thereto shall indicate coverage for all Illinois students at all sites where instruction is or will be given.

Section 451.235 Liability Insurance

- a) A school shall maintain continuous liability insurance from a company authorized to do business in Illinois for the protection of the school's students and employees.
 - 1) The liability insurance policy shall specify limits of liability of not less than \$100,000 per person and \$300,000 per occurrence for bodily injury liability and not less than \$50,000 per occurrence for property damage liability.
 - 2) Such insurance shall include coverage for off-campus learning experiences such as student commercial employment as a part of the instructional program, internships/externships, cooperative education, and experiential learning activities, unless the school furnishes the Superintendent a certificate of insurance evidencing such coverage is being provided by the employer or other person responsible for the off-campus learning experience.
- b) The school shall furnish the Superintendent with a certificate of insurance which indicates compliance with the minimum amounts of liability insurance required by this Section.
 - 1) The insurance policy shall provide that the company issuing the policy must give written notice to the Superintendent at least 30 days prior to the effective date of a cancellation.
 - 2) If the certificate does not so indicate, the insurer shall provide riders verifying coverage at all sites where instruction is being or will be given to Illinois students.

Section 451.240 Recordkeeping

- a) A school shall maintain and make available for inspection by the Superintendent a central repository of records necessary for its efficient and effective academic and business operations. Included shall be records for students, dropouts, and graduates.
- b) A school shall maintain permanent records suitable for transcript purposes for all students. Permanent student records shall be maintained for fifty (50) calendar years after the student has departed from the school and include at minimum:

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED RULES

- 1) the name and address of the school;
 - 2) full name and address of the student;
 - 3) dates of attendance;
 - 4) course of instruction or subject;
 - 5) amount of credit, if any, for each subject;
 - 6) grade for each subject;
 - 7) statement of graduation or reason the student departed from the school.
- c) Any transcript issued shall, in addition to the information specified in subsection (b) of this Section, include the following:
- 1) signature and title of certifying official;
 - 2) seal of the school, if any;
 - 3) date of issue.
- d) In addition to student permanent records, a school shall establish and maintain student records, for Illinois students who commence study at the school, for a period of at least 3 calendar years from the date of student departure which shall include:
- 1) schedules of classes or required hours of attendance;
 - 2) records of daily attendance and absences as maintained and reported to the chief managing employee by faculty and/or work supervisors;
 - 3) evidence of regular reports to students on grades and rates of academic progress;
 - 4) enrollment agreements and other contracts;
 - 5) the student's payment record;
 - 6) evidence of placement efforts to secure employment for the student and the name, address, and telephone number of the graduate's employer if placement assistance is offered.
- e) A school shall not release, transfer, disclose or otherwise disseminate student records or information contained therein unless upon the student's written request, except to an authorized employee or an official of the school or to the Superintendent.

ILLINOIS REGISTER 9152

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED RULES

- f) Students shall have the right to review their student records, including grades and attendance.
- g) A school shall develop and enforce security measures to protect permanent student records from damage or destruction.
- Section 451.250 School Advertising
- a) The school and its agents shall not make or cause to be made any oral, written, or visual presentation in connection with the offering or publicizing of a subject or course of instruction which is false, deceptive, inaccurate, or misleading.
 - b) A school shall submit with its original application all materials designed for direct mailing or media presentation in Illinois to the Superintendent for review for compliance in accordance with standards set forth in this Part. In its advertising, a school shall:
 - 1) limit reference to its approved status to: "Certificate of Approval To Operate Issued By the Illinois State Superintendent of Education";
 - 2) disclose it is a home study or home study/in-residence school if it provides such instruction;
 - 3) use photographs or illustrations of school facilities only if these are the facilities being used to provide instruction;
 - 4) use photographs, or illustrations in ways which accurately portray the size and location of the school, its equipment and facilities or the career for which the student is being trained;
 - 5) advertise starting salaries of its former students only if these claims can be documented for the most recent 12 month period.
 - c) In its advertising, a school shall not:
 - 1) describe its courses of instruction and subjects in a manner other than the approved title designations recorded on its current certificate of approval;
 - 2) represent that it is endorsed by or affiliated with a college or university or other school of higher learning unless such statement is true;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 3) advertise the transferability of its credits to colleges or universities unless it has written evidence on file of current acceptability of such credits from colleges and universities, state approval and accrediting authorities, or the American Council on Education;
- 4) advertise it is endorsed by manufacturers, business establishments, or organizations engaged in the line of work for which it gives training unless it has on file written evidence of each such endorsement with the name and address of the endorser and the date of endorsement;
- 5) advertise accredited status unless such status has been received from an accrediting body currently listed as recognized by the U.S. Department of Education;
- 6) advertise as an employment agency or under the same or similar name as such an agency or knowingly advertise in the "Help Wanted" section of any newspaper;
- 7) make statements assuring or guaranteeing membership in a union or other organization as a result of completing the course of instruction unless this fact can be documented;
- 8) advertise any tuition, fees, or other charges in amounts other than those currently on file with the Superintendent or so advertise without showing the total cost including fees;
- 9) represent that a course of instruction has been recently revised, that it has a revision system or service, or represent in any manner its ability to keep a course of instruction current unless this can be verified.
- d) A school making original application or seeking approval for a new course of instruction may submit a written petition to the Superintendent requesting permission to advertise prior to receipt of approval. The school will be authorized to advertise for a period no longer than ninety (90) calendar days prior to its projected starting date. The authorization will be granted upon receipt and approval based upon the following criteria:
 - 1) a completed application;
 - 2) requisite fee as specified in the Act.
- e) The school receiving approval to advertise shall adhere to the requirements provided in subsection (d) of this Section. It shall not advise or advertise it is approved until a certificate of approval has been received from the Superintendent.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

Section 451.260 School Catalog/Bulletin

- a) The catalog/bulletin shall be the school's principal printed means to explain its operations and requirements to prospective and enrolled students. It shall be current, complete and accurate for each school term.
- b) A school shall furnish each applicant with a copy of its most recent catalog/bulletin together with any supplements and/or errata sheets prior to the applicant's signing of an enrollment agreement.
- c) Descriptions of courses of instruction and subjects shall be consistent with curricula previously approved by the Superintendent.
- d) If the catalog/bulletin includes names of teaching faculty, such names shall be accurate as of the date of issue of the school's certificate of approval.
- e) At the time of renewal application the school shall submit three copies of its current catalog/bulletin and supplements and errata sheets.
- f) The catalog/bulletin shall include the following information:
 - 1) the school's philosophy and objectives;
 - 2) month and year of publication;
 - 3) names, addresses, and telephone numbers of the school's administrative offices and all teaching locations;
 - 4) a description of each course of instruction in clock hours or credit hours;
 - 5) criteria for the issuance of certificates and/or diplomas;
 - 6) admissions policies including prerequisites for admission;
 - 7) grading scales and standards of student progress;
 - 8) specific policies on advanced standing, if any;
 - 9) schedule of tuition, fees and costs for books, supplies, equipment, services, rentals, deposits, housing costs;
 - 10) methods of student payment;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 11) the school's refund policy for unearned tuition, fees, and other charges;
- 12) academic calendar;
- 13) policies pertaining to absences and tardinesses and rules of conduct or a statement indicating where such policies may be found;
- 14) procedures for obtaining student transcripts;
- 15) a description of student services, if any;
- 16) a description of the placement assistance offered, if any.

- g) The catalog/bulletin shall include the following notice:
"Certificate of Approval To Operate Issued By The Illinois State Superintendent Of Education, 100 North First Street, Springfield, Illinois 62777."
- h) Supplements or errata sheets for the catalog/bulletin shall be filed with the Superintendent before or at the time of implementation of changes and shall include the date of printing thereon. In the event that information on a supplement or errata sheet supersedes other information in the catalog/bulletin, the sheet shall indicate this fact and identify the page and location of the superseded information in the catalog/bulletin.

Section 451.270 Instructional Program and Services

- a) A school shall design courses of instruction which impart knowledge, develop skills, and effectively prepare students for employability in the occupations for which they are being trained.
 - 1) Approved courses shall be implemented fully and taught in accordance with conditions for approval set by the Superintendent.
 - 2) The school shall evaluate and update its approved curriculum on forms and with procedures of its own design.
- b) A school's objectives and expectations for its courses of instruction shall be consistent with its purpose and shall be supported by appropriate policies and procedures which develop performance standards to be used in measuring the accomplishment of its students.
- c) No course of instruction or subject shall be taught without written approval from the Superintendent.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) The school shall not make any major changes in its approved courses or subjects without prior consent from the Superintendent.
- 2) The Superintendent shall approve changed courses only after applying the same criteria set forth in this Section for granting original course and subject approval.
- d) A school shall establish explicit learning objectives and specific expectations regarding student learning for each course of instruction and subject offered. The objectives and expectations shall:
 - 1) meet the needs of the school's students in relation to the specific occupations for which they are preparing;
 - 2) include statements of the specific knowledge and skills each student must achieve by the time of course completion.
- e) A school shall have current, comprehensive, organized, and detailed instructional outlines, courses of study, syllabi, teaching guides, and lesson plans which indicate scope and sequence of subject matter and learning experiences sufficient for students to achieve announced objectives for each course of instruction and subject.
 - 1) Each teacher shall have the school's curriculum materials for assigned subjects in his/her possession and be knowledgeable of their contents prior to teaching these subjects.
 - 2) The school's administration shall require each teacher to use the school's curriculum materials.
- f) A school shall determine the total number of hours required for completion of each course of instruction and subject and the total amount of time to be devoted to each phase within each course and subject.
 - 1) The school shall establish the number of hours students are to spend in classroom, practice, and work experience.
 - 2) The school shall where appropriate determine the educational content and length of the period of study for each course and subject only after considering and appraising information derived from research data, previous instructional experiences, the practices prevailing in public and other private schools and in military, business, and industrial training programs.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 3) The comprehensiveness, content, and length of the school's courses of instruction shall be consistent with its explicit learning objectives.
- g) A school shall utilize instructional methods which facilitate achievement of student learning objectives.
 - 1) Faculty shall demonstrate competence in the methods the school has adopted as most appropriate for its curriculum and students.
 - 2) The chief managing employee shall ensure that faculty members apply the methods adopted.
- h) The school shall use textbooks consistent with its identified curricular objectives for each of its courses of instruction and subjects.
 - i) The school shall maintain the following information on its texts and home study lessons currently in use:
 - 1) titles;
 - 2) authors and/or contributing subject matter specialists;
 - 3) publishers;
 - 4) copyright dates.
- j) A school shall have samples of all tests and other student evaluation devices used by the school available for the Superintendent's inspection for a period of not less than one calendar year following such use.
- k) In-residence and home study/in-residence schools shall maintain and upon the request of the Superintendent provide their policies for limiting:
 - 1) the number of classes a faculty member may be assigned to teach on any day when the school is in session;
 - 2) the total number of students the faculty member may be assigned to teach in any week;
 - 3) the total number of different subject preparations a faculty member may be assigned to teach on any day in any week.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) In-residence and home study/in-residence schools shall maintain and upon request of the Superintendent provide their policies for determining maximum student/faculty ratios for each course of instruction and each subject within the course. Student/faculty ratio policies shall:
 - 1) be varied to conform to the requirements for different courses of instruction and subjects and to the nature of the facilities at each school;
 - 2) recognize that sizes of some classes should be smaller than others;
 - 3) give the rationale used to determine how the maximum class sizes for different courses and subjects were determined.
- m) Except in circumstances where the school has presented evidence that the standards it uses are as effective in ensuring an opportunity for students to achieve stated course objectives, student-to-teacher ratios for classroom instruction shall not exceed 30:1 and for laboratory or clinical instruction shall not exceed 20:1.
- n) Home study schools and home study/in-residence schools shall maintain and upon request of the Superintendent provide policies for determining the total number of faculty hours required weekly to process, correct, and return home study lessons and examinations. The policies shall provide for faculty responses to examinations with comments and suggestions for corrections of errors and apparent weaknesses to be returned within seven business days of receipt of the lessons and examinations at the school.
- o) Except in circumstances where the school has presented evidence proving that its standards will produce as good or better results, in-residence schools shall not assign a faculty member to teach two or more subjects during the same class or laboratory period.
- p) Approval of a course of instruction shall be continuous providing:
 - 1) the school continues to have approved status;
 - 2) the scope and sequence of the course in all major particulars remain the same as that previously approved by the Superintendent;
 - 3) the course of instruction has been taught during the previous approval year;

- 4) the school continues to have approved faculty for the course of instruction.

Section 451.280 Home Study and Home Study/In-Residence Schools

- a) The Superintendent shall approve home study courses of instruction only after determining that they meet the requirements stated herein. The home study school shall provide the Superintendent with a description of each course indicating all materials supplied to the student. The Superintendent may request such materials for any of the courses, and the school shall supply the materials it sends to its students for that course.
- b) The home study course of instruction shall be:
- 1) suitable for a student to learn by self-direction with assistance that will be provided by the school;
 - 2) geared toward the educational background, reading ability, and interests of the school's students;
 - 3) organized sequentially in meaningful and separate units from rudimentary to advanced, with transitional materials to guide students through the course of study;
 - 4) designed to be current, and to meet actual job requirements for the school's graduates;
 - 5) developed with the content necessary to ensure students will master the necessary skills and knowledge required for employment in the occupation for which they are being trained;
 - 6) designed to permit the student to measure his/her progress and to apply knowledge learned.
- c) Except for material especially included to give instructions and to assist and encourage the student to complete his/her studies successfully, the home study course of instruction shall be limited to subject matter, pictures, and graphics which are relevant to the course's specific occupational objectives.
- d) Home study examinations shall:
- 1) measure the extent of the student's mastery of each lesson and of the total course of instruction;
 - 2) correspond with course objectives and the requirements for employment in the field.

- e) The home study school shall maintain a progress evaluation record.
- f) Prior to the approval of any course of instruction, the home study school shall provide the Superintendent with:
- 1) names of the authors and/or contributing subject matter specialists for all lessons and instructional materials, including a statement of their qualifications in the instructional field;
 - 2) minimum passing scores for its tests and examinations.
- g) A home study/in-residence school shall not use the home study portion as the principal basis for the in-residence phase of instruction.
- 1) The school may use home study materials for a short review at the beginning of the in-residence phase.
 - 2) The school shall not allow a student who has not successfully completed all home study examinations with passing grades to enter the in-residence phase of instruction.
- h) Unless otherwise specified, all requirements in this Part for in-residence schools shall apply to the in-residence phase of a home study/in-residence course of instruction.

Section 451.290 Student Work Experience

- a) A school may, with the Superintendent's written approval, place students on work assignments to gain practical experience in the occupations for which they are being trained.
- 1) The Superintendent shall approve a work experience program only when the school has provided an educational rationale for the program and has established a system for providing constant and direct educational supervision, monitoring, and evaluation for the program.
 - 2) The school shall identify the supervisor(s) of its student work experiences.
- b) If the sale of products or services is a necessary part of the school's course of instruction, the school shall not profit from such sale.
- c) A school may employ students in other than work experience and compensate them for such employment.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

Section 451.300 Instructional Equipment, Facilities and Materials

- a) Instructional equipment shall train and prepare students to use the types of equipment currently in use in business and industry. A school shall conduct its programs at sites and facilities appropriate to the kinds of educational services it offers its students.
- b) A school shall annually provide the Superintendent with an inventory of all instructional equipment utilized by students and teachers for each course of instruction. The equipment shall meet the school's established criteria for model/kind, quantity, and recency of manufacture.
- c) A school shall annually examine its inventory of instructional equipment and materials to determine suitability for its programs.
- d) Equipment and materials shall be available in sufficient quantities to permit students to develop skills at expected levels and permit productive use of the student's time when engaged in scheduled skill, shop, and laboratory activities.
- e) Supplementary reading material needed for completing the reading assignment for each subject as assigned must be made accessible to the student.

SUBPART C: SCHOOL PERSONNEL

Section 451.400 Administrator Qualifications

- a) The school shall establish and maintain specific written policies setting standards for qualification, supervision and evaluation of its administrators. The policies shall set minimum requirements for the employment of administrators, including previous training, teaching, administrative, and on-the-job experience in the occupational fields for which students are being trained.
- b) Chief managing employees and their designated assistant chief managing employee(s) shall have the Superintendent's written approval prior to the date of official appointment. The Superintendent's approval is not required for any other administrator on the school's staff.
- c) All applications for approval of a chief managing employee or assistant chief managing employee(s) shall:
 - 1) be submitted on forms provided by the Superintendent;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 2) be signed by the applicant and the chief managing employee who shall attest to the truthfulness and accuracy of the information contained therein;
- 3) be accompanied by relevant transcripts, letters, and documents showing that the applicant meets the standards set forth in this Part.
- d) At minimum, each chief managing employee shall possess one of the following qualifications:
 - 1) graduation from a state approved, four-year, degree granting school with satisfactory completion of twenty-four (24) semester hours in administration/management, in professional education, or in one or more of the subject areas in which the school provides instruction;
 - 2) a combination of not less than 6,000 clock hours (the equivalent of 3 years) of training and on-the-job experience in one or more of the subject areas in which the school provides instruction and at least 2,000 clock hours (the equivalent of one year) of administrative/managerial experience.
- e) Each assistant chief managing employee shall at a minimum meet the qualifications of a chief managing employee or a faculty member as defined in this Part.
- f) A chief managing employee or assistant chief managing employee who complies with the requirements established in this Part shall not be relieved of the responsibility of complying with more stringent requirements established by any other state agency.
- g) Approval of a chief managing employee or assistant chief managing employee terminates at cessation of employment at the school and is nontransferable to employment at another school.
- h) Persons approved as administrators prior to the date of adoption of this Part shall continue to be approved for the positions they held at the school before the adoption of this Part.

Section 451.410 Faculty Qualifications

- a) A school shall establish and enforce specific written policies setting standards for qualification, supervision, evaluation, and promotion of its faculty.

- 1) The policies shall set minimum requirements for the employment of faculty, including previous training and on-the-job experience in the subject area for which the faculty applicant is being considered for employment or transfer.
- 2) Qualification standards for faculty shall at least conform to the standards set forth in subsection (b) of this Section.
- b) At minimum each faculty member shall possess at least one of the following qualifications:
 - 1) graduation from a state approved, four-year degree granting school with satisfactory completion of no less than twenty-four (24) semester hours in the academic or vocational/skill subject area in which the applicant intends to teach (Included in the twenty-four hours must be evidence of satisfactory completion of at least one three (3) semester hour college level course in each subject to which the faculty member is to be assigned.); or
 - 2) a combination of no less than 4,000 clock hours of successful training and on-the-job experience in the academic or vocational/skill subject area to which the faculty member is to be assigned; or
 - 3) completion of no less than 6,000 clock hours of successful on-the-job experience in the academic or vocational/skill subject area in which the applicant intends to teach.
- c) A faculty member who complies with the requirements established in this Part shall not be relieved of the responsibility of complying with more stringent requirements established by any other state agency.
- d) Faculty approval by the Superintendent shall be for the specific subjects listed on the application for approval only, shall not be transferable from one school to another, and shall terminate on cessation of the faculty member's employment with the school.
- e) All applications for faculty approval shall:
 - 1) be submitted on forms provided by the Superintendent;
 - 2) indicate the specific subjects the applicant will teach;
 - 3) be signed by the applicant and the chief managing employee;
 - 4) be accompanied by relevant official transcripts, letters, and documents which confirm that the applicant meets:

- A) the school's employment standards for previous instruction, on-the-job experience, and mastery of the subject area to which the faculty member is to be assigned;
- B) the minimum standards for faculty approval set forth in this Part.
- f) For purposes of this Section, documentation of on-the-job and teaching experience shall:
 - 1) be from any official providing the teaching or on-the-job experience of the applicant or from an administrator(s) at the previous place(s) of employment who can be reached for verification of the documentation submitted;
 - 2) state the period of employment;
 - 3) describe the applicant's on-the-job experience and duties in detail.
- g) In the event that the faculty member's former employer is no longer in business and/or the applicant's supervisor is no longer available to verify employment, the applicant shall submit an affidavit stating the facts concerning his or her work experience in lieu of the documentation specified in subsection (f) of this Section.
- h) Substitute faculty shall meet the same qualifications as regular faculty, including the prior approval of the Superintendent.
 - 1) If a school utilizes faculty assistants, it shall establish and maintain policies which set forth qualifications, duties and procedures for use of these personnel. Faculty assistants shall:
 - 1) not be used as substitutes or replacements for regular faculty;
 - 2) not evaluate students;
 - 3) work under the direct supervision of approved faculty.
 - j) The school shall have and implement written policies to promote improvement of faculty competency in their occupational fields and in levels of performance in their teaching assignments.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- k) A faculty member approved by the Superintendent to teach a specific subject(s) at the school prior to the date of adoption of this Part who has verification of qualification on file with the Superintendent shall continue to be approved to teach that subject(s) at the school.
- 1) After the date of adoption of this Part the school shall employ new faculty according to the following minimum standards:
 - 1) Instructors employed as faculty in degree granting programs shall have a minimum of a baccalaureate degree from a state approved college or university with a major in the subject area in which they teach.
 - 2) If the job objective for which the course of instruction is offered requires a valid license or certificate, the instructor shall hold such a license or certificate.

Section 451.420 Sales Representatives

- a) Any person whose function is to sell courses of instruction or subjects for any school(s) doing business in Illinois at the school's principal place of business or elsewhere in the state may do so only after securing a sales representative's permit.
 - 1) A person initiating any direct action to procure students for the school by requesting, inducing or persuading such prospective students to enroll shall be deemed to be a sales representative.
 - 2) A person paid to provide names of prospective students who has not had direct contact with the prospective student shall not be deemed to be a sales representative.
 - 3) Sales representatives may be employees of the school or independent contractors employed for sales purposes.
- b) Sales representative permits shall be issued only after the approval of the school by the Superintendent. A permit holder shall comply with the requirements of the Act and this Part.
- c) Sales representative permits shall be nontransferable and shall expire on December 31 of each year.
- d) A school with sales representatives shall maintain and have available for review a description of the procedures used to provide supervision of its representatives to assure compliance with the Act and this Part.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- e) Prior to the issuance of a sales representative's permit card by the Superintendent and as a part of a representative's original application for a permit card, an official of the school shall certify that the applicant has completed the school's prescribed training and has read and understands this Part.
- f) If for any reason the representative's permit card is lost or stolen, the school shall notify the Superintendent by the most expedient means. Upon receipt of a written request the Superintendent shall issue a replacement card without charge.
- g) A sales representative shall, whenever representing a school:
 - 1) report immediately to the administrator or designee at any recruitment site visited prior to any student interviews or presentations;
 - 2) make no statements which are false, misleading or fraudulent;
 - 3) respond with all facts about the school the prospective student may wish to know prior to the making of an enrollment decision;
 - 4) use only advertising approved by the school;
 - 5) provide a copy of the school's catalog/brochure to high school administrators or counselors prior to making any presentation at a high school;
 - 6) disclose information on tuition and other instructional costs upon request by prospective students;
 - 7) explain the student's payment obligations after signing the enrollment agreement and explain the school's refund policy;
 - 8) make clear the school's academic policies and code of conduct;
 - 9) accurately describe the school's facilities and living accommodations and explain living costs;
 - 10) give a report on job prospects, if requested to do so;
 - 11) make available for review sample copies of the school's home study lessons prior to the signing of the enrollment agreement;
 - 12) explain the school's placement assistance, if any, and provide placement statistics as prescribed in the Act and this Part;
 - 13) explain the school's course of study admissions criteria;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 14) provide and explain the items of information required to be contained in the enrollment agreement by the Act and this Part;
- 15) suggest that the prospective student visit the school to talk with teachers, guidance counselors, employment counselors and students.

h) The sales representative shall not:

- 1) make false, inaccurate or misleading statements concerning any degree, certificate or diploma offered by the school;
- 2) state that credits from the school are transferable unless such claims are supported by documentation in the school's files;
- 3) recommend a prospective student for acceptance if the representative does not have reason to believe he/she has a chance to succeed;
- 4) distribute home study lessons until the prospective student has been officially admitted by the school;
- 5) collect any fee other than the enrollment fee prior to the student's official admittance;
- 6) represent that any commodity or service is free when, in fact, such commodity or service is regularly included as part of a course for which tuition or any other fee is paid;
- 7) SOLICIT PROSPECTIVE STUDENTS WITHIN 100 FEET OF ANY ILLINOIS DEPARTMENT OF PUBLIC AID OFFICE.

- 1) The school shall monitor its representatives' activities and sales and marketing practices and immediately investigate and resolve complaints about their activities. The school shall be accountable for the adherence of its sales representatives to the Act and this Part.

- j) Whenever a sales representative leaves the school's employment, the school shall within five (5) business days send the sales representative's notice of discharge or termination to the Superintendent.

- 1) When the school is unable to send the representative's permit card with the notice, it may notify the Superintendent that it will return the card within thirty (30) business days from the leaving date.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 2) If the card has been lost or destroyed, the school shall send a written notice to this effect to the Superintendent.

- k) Illinois schools shall require new sales representatives with permits to sell in Illinois to visit the principal location of the employing school(s) prior to beginning sales activities. Out-of-state schools shall require new sales representatives to visit the principal location of the employing school(s) within sixty (60) days of initial employment.

Section 451.430 Sales Representative Bond

- a) A school shall file with the Superintendent a valid sales representative blanket surety bond to provide indemnification to any prospective or enrolled student suffering loss as a result of any fraud or misrepresentation by a sales representative in procuring a student's enrollment. The bond shall be written by a company authorized to do business in Illinois and shall:

- 1) indicate coverage in the penal sum of \$2,000 for each representative;
- 2) show the maximum number of sales representatives covered;
- 3) include coverage of representatives at any extension sites;
- 4) be continuous to thirty (30) calendar days after the Superintendent's receipt of written notice of cancellation from the company issuing the bond.

- b) In the event of bond cancellation the school shall:

- 1) furnish a fully executed replacement to the Superintendent within thirty (30) calendar days of his/her receipt of notice from the bonding company;
- 2) return all sales representative permit cards for cancellation if an appropriate bond replacement is not received by the Superintendent within the thirty (30) calendar days.

SUBPART D: STUDENTS

Section 451.500 Student Admissions Standards

- a) The school shall provide to each prospective student its specific admission requirement for each course of instruction. Such requirements shall include evidence of satisfactory completion of secondary education or the G.E.D. examination, and/or other evidence predicting probable success of the student in the course

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

of instruction. Schools not requiring successful completion of high school or the GED shall provide the Superintendent with evidence that such completion is not normally required for persons seeking placement in the occupations for which it trains students. The school shall maintain verifiable evidence that each student meets the school's admission standards for the course of instruction in which enrolled and that the admission standards provide reasonable indication of the student's potential for successful completion of the course of instruction.

- b) A school shall evaluate each applicant's qualifications prior to his/her acceptance or rejection and shall, for seven (7) years, maintain records of this action for the Superintendent's inspection. The records, where appropriate, should include specific, verifiable evidence that each student admitted has sufficient aptitude to meet the school's standards for admission into the course in which the student has enrolled.
- c) In those exceptional cases when the school admits an applicant who does not meet all of its admissions standards, it shall record the reasons why the student was permitted to enroll and so inform the student.
- d) A school may require applicants who do not meet its requirements for admission to satisfactorily complete remedial instruction prior to full admission status.
- e) As evidence of student qualification, the school may use such devices or combination of devices as aptitude and ability test results, transcripts, letters of recommendation, proof of previous successful experience in the field, questionnaires, and structured admissions interviews. It may include records of such abilities or qualities as analytical thinking, problem-solving, personal responsibility, evenness of performance, motivation, maturity, promise in the field, leadership abilities, energy, self-confidence, relation of ability to achievement, written/oral expression, mathematical skills, dexterity and coordination, mechanical aptitude, and originality and imagination.
- f) A school shall not reject an applicant because of race, color, creed, sex, religion, or national origin.
- g) Whenever required for licensure or entry into the field for which the applicant is to be trained, the school shall require evidence of a satisfactory physical examination or other specific qualification, such as bonding, prior to admitting the applicant. For example,

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) Applicants for truck driving schools shall meet the Illinois Department of Transportation and Illinois Secretary of State requirements prior to acceptance.
- 2) Applicants for flight programs shall meet the requirements of the Federal Aviation Administration prior to acceptance.
- h) A school shall not enroll an applicant under the age of sixteen (16) or an applicant enrolled in an elementary or a high school in Illinois unless it has established through verifiable and recorded contact with responsible school officials that, based on academic performance, the course will not be detrimental to the student's regular school coursework.
- i) If a school enrolls students in courses of instruction preparing graduates for occupations generally requiring satisfactory completion of the twelfth grade or the GED, it shall require the applicant to provide evidence of equivalent life experience or to furnish an official high school transcript from a recognized high school, a copy of the GED certificate, or a statement signed by the applicant which attests to graduation and includes the date of graduation, name, address, and telephone number of the high school last attended.
- j) A school through its catalog or similar descriptive literature shall inform each applicant prior to enrollment about:
 - 1) its specific admissions requirements for each course of instruction which the applicant is considering;
 - 2) the general requirements for entrance into the occupations for which the student seeks training;
 - 3) its placement service, if a placement service is provided. Statistics for the 12 month period or calendar year immediately preceding the date of the school's application for annual renewal of its certificate of approval shall be provided for each course of instruction which the applicant is considering. These statistics shall include the number of students enrolled, the number of students who did not complete the course of instruction for which they enrolled, the number of graduates, the number of graduates who requested placement service, and the number of graduates who received bona fide job offers for the job for which they were trained. IN THE ABSENCE OF PLACEMENT STATISTICS FOR A NEW COURSE OF INSTRUCTION, THE ENROLLING REPRESENTATIVE SHALL DISCLOSE TO THE STUDENT THE PLACEMENT STATISTICS WHICH REPRESENT THE AGGREGATE OF ALL COURSES OF INSTRUCTION;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 4) its policies and procedures, if any, for granting advanced standing to qualified prospective students who have previously completed training and/or work experience in the field of intended study;
- 5) its policies, if any, for shortening the period of study and reducing the cost of instruction for students admitted with advanced standing.
- k) A school shall not represent or imply that:
- 1) its graduates will be able to secure positions in a particular field because of completion of one or more of its courses of instruction if such positions are available only to persons with additional training and experience;
 - 2) it will accept a limited number of persons from a geographical area;
 - 3) it will accept applications for enrollment for only a limited period of time unless this fact can be verified;
 - 4) its credits are acceptable for admission or advanced standing at any school, college, or university unless it has previously filed evidence to this effect with the Superintendent;
 - 5) applications must be submitted by a certain date to be acceptable for student admission unless this fact can be verified;
 - 6) any commodity or service is free when in fact such commodity or service is regularly included as part of the cost of instruction.
- 1) An out-of-state truck driving school shall disclose to its applicants prior to enrollment that graduates of such schools should normally have attained the age of twenty-one (21) prior to completion of the course of instruction. Such schools admitting students between the ages of eighteen (18) and twenty-one (21) shall require all applicants to sign a statement of understanding that employment with truck driving companies operating interstate is not possible until the applicant attains the age of twenty-one (21).
- m) Home study/in-residence schools shall restrict admission in the home study phase to the number of students who can begin in-residence study within approximately sixty (60) calendar days of successful completion of home study.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- n) Home study and home study/in-residence schools shall not distribute the first lesson until the applicant has been accepted by the admissions officer at the school's principal place of business.
- 1) Distribution of the first lesson shall be no later than ten (10) business days following the official date of admission.
 - 2) Home study schools shall not distribute more than approximately twenty (20) percent of the total number of home study lessons in the course of instruction to the student at any one time.
- Section 451.510 Handicapped Students
- a) A school shall not deny admission to a student with a physical or mental handicap which is unrelated to the student's ability to successfully complete the student's intended course of instruction or to successfully perform on the job after the completion of the course of instruction.
 - b) If the school accepts a handicapped student it shall:
 - 1) accommodate the student's handicap in designing his or her educational program;
 - 2) maintain evidence on file that the student has been informed of requirements for minimum successful performance in the course of instruction and for entrance into the vocation for which the student seeks training.
 - c) To the extent the provisions of this Section 451.510 conflict with any federal or state laws, such federal or state laws shall control.

Section 451.520 Enrollment Agreements

- a) Each school shall utilize written enrollment agreements which specify both the school's and the student's legal obligations. The agreements shall contain all written disclosures required in Section 15.1 of the Act and be separate from any noncontractual documents utilized in the enrollment of students.
- b) A school shall provide the applicant with:
 - 1) a copy of the enrollment agreement signed and dated by the sales representative and the applicant at the time the applicant makes initial payment of any fees, deposits, tuition, or other charges;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 2) signed, dated receipts for any monies collected from the student;
- 3) a copy of the enrollment agreement or written notice of acceptance signed and dated by the chief managing employee or the admissions officer at the school's principal place of business at the time of official student acceptance at the school.
- c) A school may give the applicant a single copy of the agreement when the date of initial payment and the date of acceptance are the same.
- d) When the prospective student is under the age of eighteen (18), the agreement shall be signed by his/her parent or guardian.
- e) A school shall maintain copies of all signed agreements and any truth-in-lending disclosure pages in each student's permanent record.
- f) If the school receives payment of fees, deposits, or other charges in a single payment or by the payment of the enrollment fee and one additional payment, it may limit financial disclosures on the agreement to the enrollment fee and the cash price. If the student elects to make more payments than those described above, the agreement shall disclose the:
 - 1) enrollment fee;
 - 2) cash price;
 - 3) cash down payment;
 - 4) the difference between cash price and cash down payment, using the phrase "unpaid balance of cash price";
 - 5) the number, amount, and due dates or periods of payments scheduled for student repayments of indebtedness.
- g) A school receiving multiple payments may provide information on financial disclosures required in subsection (f) of this Section on a separate page. The page shall be signed and dated by the sales representative and the student at the same time their signatures are affixed to the agreement.
- h) When the school assesses finance charges or offers discounts for early payment and time/price differentials, the agreement and disclosure pages shall:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) satisfy the requirements of the Retail Installment Sales Act of Illinois (Ill. Rev. Stat. 1987, ch. 121 1/2, par. 501 et seq.);
- 2) contain the statement required by Section 15.1-9 of the Act;
- 3) make clear that students are not required to make use of its finance plans.
- i) The agreement shall not contain a wage assignment provision and/or a confession of judgment clause.
- j) The agreement shall include a "NOTICE TO THE BUYER" which includes the following statements in a position above the space reserved for the student's signature:
 - 1) "Do not sign this agreement before you read it or if it contains any blank spaces.
 - 2) This is a legal instrument. Both sides of the contract are binding. Read both sides before signing.
 - 3) You are entitled to receive one copy of the agreement you sign and any information disclosure pages presented by the school.
 - 4) Under the law you have the right, among others, to pay the full amount due and to obtain under certain conditions a partial refund of the finance charge."
- k) In addition to the information required by Section 15.1 of the Act, an enrollment agreement shall include:
 - 1) language explaining the agreement will be binding only when the agreement is accepted, signed and dated by the authorized official of the school or the admissions officer at the school's principal place of business;
 - 2) a statement in which the student attests to having received the school's current catalog/bulletin, any supplements and errata sheets, and the data required in Section 15.1-11 of the Act;
 - 3) a space for the sales representative to indicate by signature his/her compliance with the Act and this Part;
 - 4) a statement that any changes in the agreement shall not be binding on either the student or the school unless such

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

changes have been approved in writing by the authorized official of the school and by the student or the student's parent or guardian if the student is a minor;

- 5) the date by which instruction must be completed if the school provides instruction by home study and limits the period of time for completion of that instruction;
- 6) a statement that terms and conditions of the agreement are not subject to amendment or modification by oral agreement;
- 7) its current printing date.

1) Information required in subsection (k)(5) of this Section need not be printed on the agreement but may be added to the agreement by the sales representative in space provided. The information shall be entered on the agreement prior to the time of applicant's signature.

m) The school may reserve the right in the agreement to make revisions in the course of instruction during the period of the student's enrollment providing this right is conditioned upon the Superintendent's prior approval of the revision in accordance with the requirements for the approval of curricular changes in this Part.

n) When, pursuant to the Act and this Part, any agreement the school enters into with a student is found by the Superintendent to be a violation of the Act or this Part, the school shall refund all monies to the student within five (5) business days.

o) IF THE RIGHT TO CANCEL IS NOT GIVEN TO ANY PROSPECTIVE STUDENT AT THE TIME THE ENROLLMENT IS SIGNED, THE STUDENT HAS THE RIGHT TO CANCEL THE AGREEMENT AT ANY TIME AND RECEIVE A REFUND OF ALL MONIES PAID TO DATE WITHIN 10 DAYS OF CANCELLATION.

p) The school shall file a copy of each Illinois student's signed enrollment agreement with the Superintendent within (30) days following the end of the calendar year.

Section 451.530 Student Obligations, Cancellation and Refund Policies

a) The following definitions in addition to those found in Section 1 of the Act shall apply to the school's policies for the assessment of student fees and for obligations and refunds:

- 1) "Academic (school) year" is an instructional period extending no longer than fifty-two (52) weeks from the date of its initiation to its conclusion.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

2) "Class day" is any day on which instruction is provided by the school and on which the student is scheduled to attend; not included are holidays, scheduled vacation periods, other days on which instruction is not provided, and periods for which a student is granted a leave of absence.

3) "Clock or class hour" is one period of instruction given to one student; the periods may range from forty-five (45) to sixty (60) minutes in duration. "Clock hours or class hours" are not the same as "credit hours." Credit hours are normally identified as "semester hours" or "quarter hours."

4) "Enrollment fee" is a one-time student fee, assessed at the time of the student's initial enrollment at the school.

5) "Home study/in-residence instruction" is a course of instruction which consists of both home study lessons and in-residence classes at the school's site.

6) "Home study lesson" is the term used by home study schools to describe a single unit in a uniform series of units of correspondence instruction.

7) "Pro rata refund policy" is a policy computed on the number of clock or class hours completed or home study lessons serviced in the total course completed by the student.

8) "Terms" are regularly established equal divisions of the academic (school) year from ten (10) to nineteen (19) weeks long, each with an established starting and ending date; they are normally called quarters, trimesters, or semesters.

9) "Total cost of the course of instruction" is, for purpose of refund calculations, the sum found on the enrollment agreement of all required charges made for direct instruction and obligatory items of extra expense to the student such as instructional supplies, tools, student activities fees, laboratory and studio fees, service charges, rentals and other miscellaneous charges; it does not include the enrollment fee, charges for room and board, or any required accident or health insurance premiums paid by the student directly to an insurance carrier.

10) "Total cost of the term" is, for purpose of refund calculations, the sum of the same required and obligatory charges itemized in the definition of "total cost of the course of instruction" but which are assessed for a specific term only; not included are the enrollment fee and charges for room and board in the term.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- b) A school and its sales representatives enrolling prospective students shall collect no more than the amount of the application-registration fee which may not exceed \$100 until the student has been formally admitted following the admissions screening process and the school's approval and signing of the enrollment agreement at the school's principal location.
- c) A school shall publish and adhere to refund policies as required by Section 15.1a of the Act.
- 1) The school shall not receive, demand, or retain any amount in excess of proportions and dollar amounts disclosed in the enrollment agreement and catalog/bulletin for the term in which the student is enrolled.
 - 2) The student's total financial obligation for instruction shall not be more than the total contract price for the academic (school) year in which the student is enrolled.
 - 3) The school shall return that portion of any refunds due to sponsors furnishing grants, loans, scholarships or other financial aids in conformity with federal and state laws, and regulations and requirements of financial aid sponsors. After any disbursements to financial aid sponsors, the student shall receive the balance, if any, of the amount due under the school's refund policy.
- d) Student refunds shall be processed promptly and in accordance with the following requirements as may be applicable.
- 1) If a letter of withdrawal is submitted, it shall be addressed to the registered agent, if any, the managing employee of the school, or to the person designated by the school in its enrollment agreement. The date of withdrawal initiated by a student shall be the date the letter of withdrawal is postmarked or, when the notice is hand-carried, it shall occur on the date the notice is delivered. The school shall provide a receipt for each letter of withdrawal received.
 - 2) An in-residence school shall inform the student as to his/her contractual obligation if the student fails to attend class or utilize instructional facilities for a period of ten (10) consecutive class days without providing, prior to or during that period, an explanation regarding the absences.
 - 3) A home study school shall inform the student as to his/her contractual home study obligation if at any point during the course of instruction it has not received lessons for sixty (60) consecutive calendar days; the date of withdrawal shall be the date of the last lesson received.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 4) A school may give an in-residence or home study student who has withdrawn the opportunity to apply for reinstatement in writing and keep his/her enrollment active without prejudice to the student's refund rights.
 - 5) A school shall notify any agency known to the school to be providing financial aid to the student of any withdrawal within thirty (30) days from the date of withdrawal.
 - 6) A school shall maintain accurate current records which make possible prompt return of funds in the correct amount.
- e) In the event a student withdrawing from a course of instruction is less than eighteen (18) years of age on date of withdrawal, notice of cancellation shall be made by the purchaser of the enrollment agreement.
 - f) A school shall refund all monies paid to it if the school did not screen the student, including physical examinations required for occupational licensure, to determine that the student meets its admission standards prior to the date of the student's admission.
 - g) For home study instruction, all references to class attendance or days in class in Section 15.1a of the Act shall refer to lessons completed by the student and serviced by the school.
 - h) Refunds for the home study/in-residence portions of a combination home study/in-residence school must be computed and stated separately.
- Section 451.540 Student Personnel Services
- a) If the school purports to provide student personnel services, it shall provide those services as advertised.
 - b) The school shall make known to students those personnel services provided.
- Section 451.550 Placement Assistance
- a) A school is not required to offer placement assistance. If it does so, it shall disclose the nature of the assistance in its catalog.
 - b) A school which offers or advertises placement assistance shall file an annual placement report with its renewal application to the Superintendent which shall:

- 1) be signed and notarized as true and correct by its chief managing employee;
 - 2) contain the statistics required by Section 15.2 of the Act.
- c) A school shall not:
- 1) make any placement guarantee;
 - 2) advertise "lifetime" placement assistance;
 - 3) promise a student a job which uses information, training, or skills provided by a course unless the school can offer the student a contract of employment for a period of not less than ninety (90) days in a business in which such information, training, or skill is a normal condition of employment;
 - 4) make additional charges for placement assistance;
 - 5) solicit or permit its sales representatives to solicit students through a placement or employment agency.

Section 451.555 Student Progress

- a) A school shall have and enforce written policies for defining acceptable student progress and academic good standing and shall maintain progress evaluation records which record the student's movement toward completing studies within the time allotted for completion of the curriculum.

- b) Students enrolled in home study instruction shall be informed of their academic progress with the servicing of each examination. If at any point in the curriculum the student's average grades on examinations are less than those required for passing the total course, the student shall immediately be so informed in writing.

Section 451.560 Student Attendance and Tardiness

A school shall adopt policies which stress the importance of regular attendance and shall inform the students about the details of such policies.

Section 451.570 Student Conduct and Discipline

- a) The school shall adopt, enforce, and disseminate to its employees and students written policies to ensure standards of student behavior conducive to a favorable learning environment for all of its students.

- b) Sanctions shall not be imposed without determination by school officials of the nature of the offense in accordance with the school's published policies. This determination shall include a consideration of statements presented by the individuals involved.
- c) The school's policies shall allow a student to appeal to a school administrator to regain full standing after disciplinary action has been taken.
- d) The school shall keep written records of the disposition of all disciplinary actions.

Section 451.580 Student Rights

- a) A school shall establish a procedure for the fair and prompt resolution of student grievances concerning instructional and business affairs. The procedures shall specify the reasons for which a conference or hearing may be requested and require the recording of any findings.
- b) A student's records, including attendance records, shall be available for inspection on request by the student.
- c) A school shall terminate a student's enrollment when it has been documented that he/she is unable to remain in good academic standing and to acquire the knowledge and skills necessary for entering the occupation for which he/she is being trained.
- d) Schools shall post in a conspicuous place the statement, developed by the Superintendent, of students' rights provided under the Act.

Section 451.590 Student Complaints

- a) A school shall resolve student complaints promptly and fairly and shall not subject a student to punitive action because of written grievances having been filed with the school or the Superintendent.
- b) The school shall maintain a written record of its handling of all student complaints.
- c) ANY STUDENT OR EMPLOYEE OF A SCHOOL APPROVED BY THIS ACT WHO BELIEVES HE HAS BEEN AGGRIEVED BY A VIOLATION OF THIS ACT SHALL HAVE THE RIGHT TO FILE A WRITTEN COMPLAINT WITHIN ONE YEAR OF THE ALLEGED VIOLATION. THE SUPERINTENDENT SHALL ACKNOWLEDGE WITHIN 20 DAYS RECEIPT OF SUCH WRITTEN COMPLAINT. THE SUPERINTENDENT SHALL ISSUE A WRITTEN FINDING AS TO WHETHER THERE IS GOOD CAUSE TO INITIATE DISCIPLINARY PROCEEDINGS IN ACCORDANCE WITH THE PROVISIONS OF THIS ACT. THE SUPERINTENDENT SHALL FURNISH SUCH FINDINGS TO THE PERSON WHO FILED THE COMPLAINT AND TO THE CHIEF OPERATING OFFICER OF THE SCHOOL CITED IN THE COMPLAINT.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

1) Heading of Part: Long-Term Care Insurance

2) Code Citation: 50 Ill. Adm. Code 2012

3) Section Numbers:

2012.10 New Section
2012.20 New Section
2012.30 New Section
2012.40 New Section
2012.50 New Section
2012.60 New Section
2012.70 New Section
2012.80 New Section
2012.90 New Section
2012.100 New Section
2012.110 New Section
Exhibit A New Section
Exhibit B New Section
Exhibit C New Section

Proposed Action:

New Section
New Section
New Section
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New Section

4) Statutory Authority: Implementing and authorized by Article XIXA of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-1, as added by P.A. 85-1172, effective August 12, 1988.

5) A Complete Description of the Subjects and Issues Involved:
This rulemaking implements Article XIXA, Long-Term Care Insurance, of the Illinois Insurance Code, which was added to the Code by P.A. 85-1172. This Part regulates the sale of long-term care insurance to Illinois citizens. This Part promotes the public interest by protecting applicants for long-term care insurance from unfair or deceptive sales or enrollment practices by regulating long-term care insurance policy practices and provisions, disclosure provisions, replacement requirements, policy filings and required outlines of coverage.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objections: The Department has determined that this rulemaking does not affect local governments.

11) Time, Place and Manner in which interested parties may comment on this proposed rulemaking: Persons wishing to comment on this proposed rulemaking may do so in writing within 45 days of the publication of this Notice. Please direct written comments to:

Timothy M. Cena
Staff Attorney
Illinois Department of Insurance
100 W. Randolph, Suite 15-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking does not affect small business as that term is defined in Section 3.10 of the Illinois Administrative Procedure Act.

The full text of the Proposed Rule begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

applies to all long-term care insurance policies delivered or issued for delivery in this State by any insurer on or after the effective date of this part.

Section 2012.30 Definitions

- a) "Long-Term Care Insurance" means any accident and health insurance policy or rider advertised, marketed, offered or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis; for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual life insurance policies or riders, which provide directly or as a supplement, long-term care insurance. Such insurance may be issued by insurers, fraternal benefit societies, nonprofit health, hospital, and medical service corporations, prepaid health plans, health maintenance organizations or any similar organization. Long-term care insurance may include benefits for care and treatment in accordance with the tenets and practices of any established church or religious denomination which teaches reliance on spiritual treatment through prayer for healing. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage.

b) "Applicant" means:

- 1) in the case of an individual long-term care insurance policy, the person who seeks to contract for benefits;
- 2) in the case of a group long-term care insurance policy, the proposed certificateholder.

PART 2012
LONG-TERM CARE INSURANCE

Section	Purpose
2012.10	Applicability and Scope
2012.20	Definitions
2012.30	Policy Definitions
2012.40	Policy Practices and Provisions
2012.50	Required Disclosure Provisions
2012.60	Requirements for Replacement
2012.70	Filing Requirement
2012.80	Loss Ratio
2012.90	Reserve Standards
2012.100	Standard Format Outline of Coverage Requirements
2012.110	Replacement Notice for Other Than Direct Response Solicitations
Exhibit A	Replacement Notice for Direct Response Solicitations
Exhibit B	Standard Format Outline of Coverage
Exhibit C	

AUTHORITY: Implementing and authorized by the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 613 et seq., as amended by P.A. 85-1172, effective August 12, 1988).

SOURCE: Adopted at ____ Ill. Reg. ____, effective ____.

Section 2012.10 Purpose

The purpose of this regulation is to implement Article XIXA of the Illinois Insurance Code, to promote the public interest, to promote the availability of long-term care insurance coverage, to protect applicants for long-term care insurance from unfair or deceptive sales or enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages and to facilitate flexibility and innovation in the development of long-term care insurance.

Section 2012.20 Applicability and Scope

Except as otherwise specifically provided, this regulation

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

c) "Certificate" means any certificate issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this State.

d) "Director" means the Director of Insurance.

e) "Group Long-Term Care Insurance" means a long-term care insurance policy which is delivered or issued for delivery in this State and issued to one of the following:

1) One or more employers or labor organizations, or to a trust or to the trustee(s) of a fund established by one or more employers or labor organizations, or a combination thereof, for employees or former employees or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

2) Any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

A) Is composed of individuals all of whom are or were actively engaged in the same profession, trade or occupation; and

B) Has been maintained in good faith for purposes other than obtaining insurance.

3) An association or a trust or the trustee(s) of a fund established, created or maintained for the benefit of members of one or more associations. Prior to advertising, marketing or offering such policy within this State, the association or associations, or the insurer of the association or associations, shall file evidence with the Director that the association or associations have at the outset a minimum of 100 members and have been organized and maintained in good faith for purposes other than that of obtaining insurance; have been in active existence for at least one year; and have a constitution and by-laws which provide that:

A) the association or associations hold regular meetings not less than annually to further purposes of the members;

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

B) except for credit unions, the association or associations collect dues or solicit contributions from members; and

C) the members have voting privileges and representation on the governing board and committees.

Thirty days after such filing the association or associations will be deemed to satisfy such organizational requirements, unless the Director makes a finding that the association or associations do not satisfy those organizational requirements.

4) A group other than as described in paragraphs 1), 2) or 3) of subsection e), subject to a finding by the Director that:

A) The issuance of the group policy is not contrary to the best interest of the public;

B) The issuance of the group policy would result in economies of acquisition or administration; and

C) The benefits are reasonable in relation to the premiums charged.

f) "Policy" means any policy, contract, subscriber agreement, rider or endorsement delivered or issued for delivery in this State by an insurer.

g) "Insurer" includes insurance companies, fraternal benefit societies, nonprofit health, hospital, and medical service corporations, prepaid health plans, health maintenance organizations or any similar organization.

Section 2012.40 Policy Definitions

No insurance policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a long-term care policy unless the policy or subscriber contract contains definitions or terms which conform to the requirements of this Section.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- a) "Medicare" shall be defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then Constituted or Later Amended" including the "Medicare Catastrophic Coverage Act of 1988."
- b) "Mental or Nervous Disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.
- c) "Skilled Nursing Care," "Intermediate Care," "Personal Care," "Home Care," and other services shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.
- d) All providers of services, including but not limited to "skilled nursing facility," "extended care facility," "intermediate care facility," "convalescent nursing home," "personal care facility," and "home care agency" shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified.

Section 2012.50 Policy Practices and Provisions

- a) Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any group and individual direct response or individual long-term care insurance policy or certificate without explanatory language in accordance with the disclosure requirements of Section 2012.70 of this Part.
- 1) No such policy or certificate issued to an individual shall contain renewal provisions less favorable to the insured than "guaranteed renewable."
- 2) The term "guaranteed renewable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- rates may be revised by the insurer on a class basis.
- 3) The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to unilaterally make any change in any provision of the insurance or in the premium rate.
 - b) Limitations and Exclusions. No policy may be delivered or issued for delivery in this State as long-term care insurance if such policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:
 - 1) Preexisting conditions or diseases;
 - 2) Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease or senile dementia;
 - 3) Alcoholism and drug addiction;
 - 4) Illness, treatment or medical condition arising out of:
 - A) war or act of war (whether declared or undeclared);
 - B) participation in a felony, riot or insurrection;
 - C) service in the armed forces or units auxiliary thereto;
 - D) suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; or
 - E) aviation (this exclusion applies only to non-fare paying passengers).
 - 5) Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

- 6) This Subsection b) is not intended to prohibit exclusions and limitations for payment of services provided outside the United States.
- c) Extension of Benefits. Termination of long-term care insurance shall be without prejudice to any benefits payable for institutionalization if such institutionalization began while the long-term care insurance was in force and continues without interruption after termination. Such extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.
- d) Continuation or Conversion
 - 1) Group long-term care insurance issued in this state on or after the effective date of this section shall provide covered individuals with a basis for continuation or conversion of coverage.
 - 2) For the purposes of this section, "a basis for continuation of coverage" means a policy provision which maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. Group policies which restrict provision of benefits and services to, or contain incentives to use certain providers and/or facilities may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy. The Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- 3) For the purposes of this section, "a basis for conversion of coverage" means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced), for at least six months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy the individual is covered, without evidence of insurability.
- 4) For the purposes of this section, "converted policy" means an individual policy of long-term care insurance providing benefits identical to or substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts the provision of benefits and services to, or contains incentives to use certain providers and/or facilities, the Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.
- 5) Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than thirty-one days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be renewable annually.
- 6) Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.

7) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

- A) Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or
- B) The terminating coverage is replaced not later than thirty-one days after termination, by group coverage effective on the day following the termination of coverage:

- i) Providing benefits identical to or benefits substantially equivalent to or in excess of those provided by the terminating coverage; and
- ii) The premium for which is calculated in a manner consistent with the requirements of Paragraph (6) of this section.

8) Notwithstanding any other provision of this section, a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy which provides benefits on the basis of incurred expenses, may contain a provision which results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100 percent of incurred expenses. Such provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

9) The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

ILLINOIS REGISTER
DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

10) Notwithstanding any other provision of this section, any insured individual whose eligibility for group long-term care coverage is based upon his or her relationship to another person, shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

11) For the purposes of this section: a "Managed-Care Plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

e) No long-term care insurance policy shall:

- 1) be cancelled, nonrenewed or otherwise terminated on grounds of the age or deterioration of the mental or physical health of the insured individual or certificateholder;
- 2) contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder;
- 3) provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.

Section 2012.60 Required Disclosure Provisions

- a) Renewability. Individual long-term care insurance policies shall contain a renewability provision. Such provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and of which it may be renewed. This provision shall not apply to policies which do not contain a renewability provision and under which the right to renew is reserved solely to the policyholder.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- b) Riders and Endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

- c) Payment of Benefits. A long-term care insurance policy or certificate which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

- d) Preexisting Conditions: If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled "Preexisting Condition Limitations." Limitations to preexisting conditions shall be in accordance with Section 351A-5 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-5, as added by P.A. 85-1172, effective August 12, 1988).

- e) Other Limitations or Conditions on Eligibility for Benefits. In addition to complying with Section 351A-6 of the Illinois Insurance Code, beginning January 1, 1990 a long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in Section 351A-6 shall set forth a description of such limitations or conditions, including any required number of days of confinement in a separate paragraph of the policy or

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

f) Disclosure Requirements for Accelerated Life Products

- 1) An illustration for policy years 1 through 20 shall be delivered to the insured which is based on the planned premium and projects the guaranteed monthly long-term care benefit and long-term care benefit period. Such illustration shall include a statement and calculation which explains how the long-term care benefits are deducted from the death benefits and other policy values.
- 2) During any period which the policy is providing long-term care benefits, a notice shall be issued to the insured upon receipt of long-term care benefit payment which numerically expresses any effect the payment of the long-term care benefit has on the face amount, specified amount, accumulation account, cash value, etc.
- 3) The Outline of Coverage should include an example filled out in John Doe form which illustrates how the long-term care benefit is calculated.

Section 2012.70 Requirements for Replacement

- a) Question Concerning Replacement. Individual and direct response solicited long-term care insurance application forms shall include a question designed to elicit information as to whether the proposed insurance policy is intended to replace any other accident and sickness or long-term care insurance policy presently in force. A supplementary application or other form to be signed by the applicant containing such a question may be used.
- b) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent, shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

applicant shall be retained by the insurer. The required notice shall be provided in the following manner set forth in Exhibit A.

- c) Direct Response Solicitations. Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be provided in the manner set forth in Exhibit B.

Section 2012.80 Filing Requirement

Prior to an insurer offering group long-term care insurance to a resident of this State pursuant to Section 351A-2 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-2, added by P.A. 85-1172, effective August 12, 1988), it shall file with Director evidence that the group policy or certificate thereunder has been approved by a state having statutory or regulatory long-term care insurance requirements substantially similar to those adopted in this State.

Section 2012.90 Loss Ratio

Benefits under group and individual direct response and individual long-term care insurance policies shall be deemed reasonable in relation to premiums provided the lifetime anticipated loss ratio is at least sixty percent, calculated on the basis of the ratio of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. In evaluating the lifetime anticipated loss ratio, consideration shall be given to the following factors:

- a) Statistical credibility of incurred claims experience and earned premiums;
- b) The period for which rates are computed to provide coverage;
- c) Experienced and projected trends;
- d) Concentration of experience within early policy duration;
- e) Expected claim fluctuation;

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

- f) Experience refunds, adjustments or dividends;
- g) Renewability features;
- h) Interest;
- i) Experimental nature of the coverage;
- j) Product features such as long elimination periods, high deductibles and high maximum limits.

Section 2012.100 Reserve Standards

- a) When long-term care benefits are provided through the acceleration of benefits under group and individual life policies or riders to such policies, active life reserves for such benefits shall be determined in accordance with Section 223 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 835). Claim reserves must also be established in the case when such policy or rider is in claim status. Reserves for policies and riders subject to this paragraph should be based on the multiple decrement model utilizing all relevant decrements. Single decrement approximations are acceptable if the calculation produces essentially similar reserves, if the reserve is clearly more conservative, or if the reserve is immaterial. The calculations may take into account the reduction in life insurance benefits due to the payment of long-term care benefits. In the development and calculation of reserves for policies and riders subject to this paragraph, due regard shall be given to the applicable policy provisions, marketing methods, administrative procedures and all other considerations which have an impact on projected claim costs, including, but not limited to, the following:

- Definition of insured events
- Covered long term care facilities
- Existence of home convalescence care coverage
- Definition of facilities
- Existence or absence of barriers to eligibility
- Premium waiver provision
- Renewability
- Ability to raise premiums
- Marketing method
- Underwriting procedures

- Claims adjustment procedures
- Waiting period
- Maximum benefit
- Availability of eligible facilities
- Margins in claim costs
- Optional nature of benefit
- Delay in eligibility for benefit
- Inflation protection provisions
- Guaranteed insurability option

The valuation morbidity table shall be certified as appropriate as a statutory valuation table by a member of the American Academy of Actuaries.

- b) When long-term care benefits are provided other than as in subparagraph a above, reserves shall be determined in accordance with Section 353a of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 965a).

Section 2012.110 Standard Format Outline of Coverage Requirements

This Section implements, interprets and makes specific the provisions of Section 351A-8 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-8, as added by P.A. 85-1172, effective August 12, 1988) in prescribing a standard format and the content of an outline of coverage.

- a) The outline of coverage shall be a free-standing document, using no smaller than ten point type.
- b) The outline of coverage shall contain no material of an advertising nature.
- c) Text which is capitalized or underscored in the standard format outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.
- d) Use of the text and sequence of text of the standard format outline of coverage is mandatory, unless otherwise specifically indicated.
- e) The standard format, including style, arrangement and overall appearance, and the content of an outline of coverage appears in Exhibit C.

Exhibit A Replacement Notice for Other than Direct Response Solicitations

NOTICE TO APPLICANT REGARDING REPLACEMENT OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by [Company Name] Insurance Company. Your new policy provides ten (10) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

- 1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

- 2. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

- 3. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

otherwise valid claim to be denied. Carefully check the application and write to [Company Name and Address] within thirty (30) days if any information is not correct and complete, or if any past medical history has been left out of the application.

(Company Name)

Exhibit C Standard Format Outline of Coverage

[COMPANY NAME]

[ADDRESS - CITY & STATE]

[TELEPHONE NUMBER]

LONG-TERM CARE INSURANCE

OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which group policy was issued]).
2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!
3. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.
 - (a) [provide a brief description of the right to return -- "free look" provision of the policy.]

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

Exhibit B Replacement Notice for Direct Response Solicitations

NOTICE TO APPLICANT REGARDING REPLACEMENT
OF ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the long-term care insurance policy delivered herewith issued by [Company Name] Insurance Company. Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.
3. [To be included only if the application is attached to the policy.] If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application could cause an

ILLINOIS REGISTER
DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

(b) [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

4. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.

(a) [For agents] Neither [insert company name] nor its agents represent Medicare, the federal government or any state government.

(b) [For direct response] [insert company name] is not representing Medicare, the federal government or any state government.

5. LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

6. BENEFITS PROVIDED BY THIS POLICY.

(a) [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]

(b) [Institutional benefits, by skill level.]

(c) [Non-institutional benefits, by skill level.]

[Any benefit screens must be explained in this section. If these screens differ for different benefits, explanation of the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order

ILLINOIS REGISTER
DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED RULES

to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured's need for long-term care, then these qualifying criteria or screens must be explained.]

7. LIMITATIONS AND EXCLUSIONS.

[Describe:

(a) Preexisting conditions;

(b) Non-eligible facilities/provider;

(c) Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);

(d) Exclusions/exceptions;

(e) Limitations.]

[This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (6) above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

8. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

(a) That the benefit level will not increase over time;

(b) Any automatic benefit adjustment provisions;

(c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;

(d) If there is such a guarantee, include whether additional underwriting or health screening will be required,

- the frequency and amounts of the upgrade options, and any significant restrictions or limitations;

(e) And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

9. TERMS UNDER WHICH THE POLICY (OR CERTIFICATE) MAY BE CONTINUED IN FORCE OR DISCONTINUED.

(a) Describe the policy renewability provisions;

(b) For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy;

(c) Describe waiver of premium provisions or state that there are not such provisions.

(d) State whether or not the company has a right to change premium, and if such a right exists, describe clearly and concisely each circumstance under which premium may change.]

10. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

11. PREMIUM.

[(a) State the total annual premium for the policy;

(b) If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

12. ADDITIONAL FEATURES.

[(a) Indicate if medical underwriting is used;

(b) Describe other important features.]
- 1) The Heading of the Part: Effluent Standards

2) Code Citation: 35 Ill. Adm. Code 304

3) Section Number: 304.123 Proposed Action: Amended

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 $\frac{1}{2}$, pars. 1013 and 1027

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking was returned to First Notice by Order of the Board dated May 11, 1989 in order to comply with Section 5.01(d) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1005.01(d)) and to allow participants additional time to participate in public hearings in view of changes made in the proposal by the Board during the extended first notice period.

The proposed amendments do not affect current rules for discharges into the Lake Michigan Basin. The proposed amendments would, however, establish an effluent standard of 1.0 mg/l of phosphorus as P for any source which discharges to lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir within 40.25 kilometers (25 miles) of the point where the tributary enters the lake or reservoir, whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in Sections 304.120(a) and (c). In addition, the proposed amendments would establish the same effluent standard for such a source which is not within 25 miles if its untreated effluent would contribute at least 3% of the phosphorus loading of all tributaries to the receiving lake or reservoir.

The proposed amendments would or may affect 37 wastewater treatment plants which discharge into Crab Orchard Lake, Pistakee Lake, Lake Charleston, Lake Shelbyville, Lake Decatur, Lake Carlyle, Lake Slocum, Lake Channel, Lake Thunderbird, Lake Grassy, Lake Long, Lake Clinton, Lake Wonder, Lake Rend, and Lake Vermillion.

Merit hearings were held on this proposal on May 18 and July 21, 1987. On March 31, 1988, the Department of Energy

and Natural Resources (DENR) filed with the Board its "Economic Analysis of Proposed Amendments To Water Pollution Regulations Phosphorus Discharges R87-6" (Blaser, Zeni and Co., March 25, 1988). The Board held economic impact hearings concerning the proposal on June 7 and June 29, 1988.

- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part?
Section Numbers: Proposed Action: Ill. Reg. Citation:
304.217 New Section 12 Ill. Reg. 8531
304.218 New Section 12 Ill. Reg. 8822
- 10) Statement of Statewide Policy Objective?

This is a proposed regulatory relaxation which would reduce expenditures for affected wastewater treatment plants operated by local governments.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
Send written comments concerning R87-6 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.
- 12) Initial Regulatory Flexibility Analysis (if applicable):
A) Date rule submitted to Business Assistance Office of the Department of Commerce and Community Affairs:
Original First Notice submitted April 7, 1988; second First Notice submitted May 26, 1989
B) Types of small businesses affected:
Wastewater treatment plants which discharge into the above listed lakes.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 304

EFFLUENT STANDARDS

SUBPART A: GENERAL EFFLUENT STANDARDS

Section
304.101
304.102
304.103
304.104
304.105
304.106
304.120
304.121
304.122
304.123
304.124
304.125
304.126
304.140
304.141
304.142

Preamble
Dilution
Background Concentrations
Averaging
Violation of Water Quality Standards
Offensive Discharges
Deoxygenating Wastes
Bacteria
Nitrogen (STORET number 00610)
Phosphorus (STORET number 00665)
Additional Contaminants
pH
Mercury
Delays in Upgrading (Repealed)
NPDES Effluent Standards
New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS
NOT OF GENERAL APPLICABILITY

Section
304.201
304.202
304.203
304.204
304.205
304.206
304.207
304.208
304.209
304.210
304.212
304.213
304.214

Wastewater Treatment Plant Discharges of the
Metropolitan Sanitary District of Greater Chicago
Chlor-alkali Mercury Discharges in St. Clair County
Copper Discharges by Olin Corporation
Schoenberger Creek: Groundwater Discharges
John Deere Foundry Discharges
Alton Water Company Treatment Plant Discharges
Galesburg Sanitary District Deoxygennig Wastes
Discharges
City of Lockport Treatment Plant Discharges
Wood River Station Total Suspended Solids
Discharges
Alton Wastewater Treatment Plant Discharges
Sanitary District of Decatur Discharges
Union Oil Refinery Ammonia Discharge
Mobil Oil Refinery Ammonia Discharge

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

304.215
304.216
304.219
304.220

City of Tuscola Wastewater Treatment Facility
Discharges
Newton Station Suspended Solids Discharges
North Shore Sanitary District Phosphorus Discharges
East St. Louis Treatment Facility, Illinois-
American Water Company

SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section
304.301
304.302

Exception for Ammonia Nitrogen Water Quality
Violations
City of Joliet East Side Wastewater Treatment Plant

APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27
of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch.
111 1/2 pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978;
amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978;
amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978;
amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended
at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4
Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill.
Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg.
7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982;
amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended
at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill.
Reg. 811, effective June 23, 1983; amended at 7 Ill. Reg. 14515,
effective October 14, 1983; amended at 7 Ill. Reg. 14910,
effective November 14, 1983; amended at 8 Ill. Reg. 1600,
effective January 18, 1984; amended at 8 Ill. Reg. 3687,
effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective
June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21,
1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985;
peremptory amendment at 10 Ill. Reg. 456, effective December 23,
amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987;
amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24,
1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January
15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May
10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May
27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June
9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17B at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R87-6 at 11. Reg. _____, effective _____.

Section 304.123 Phosphorus (STORET number 00665)

- a) No effluent discharge within the Lake Michigan Basin shall contain more than 1.0 mg/l of phosphorus as P.
- b) No effluent from any source which discharges within the Fox River Basin above and including Pistakee Lake and whose untreated waste load is 1500 or more population equivalents shall contain more than 1.0 mg/l of phosphorus as P.
- c) No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary to such a lake or reservoir and whose untreated waste load is 5000 or more population equivalents shall contain more than 1.0 mg/l of phosphorus as P.
- d) No effluent from any source which discharge to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more which does not comply with Section 302-205 or to any tributary to such a lake or reservoir and whose untreated waste load is 1500 or more population equivalents and which is not governed by Sections 304-120(a) or 304-120(c) shall contain more than 1.0 mg/l of phosphorus as P.

- b) No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir within 40.25 kilometers (25 miles) of the point where the tributary enters the lake or reservoir, whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in Sections 304.120(a) and (c), shall exceed 1.0 mg/l of phosphorus as P; however, this subsection (b) shall not apply where

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

the lake or reservoir on an annual basis exhibits a mean hydraulic retention time of 0.05 years (18 days) or less.

- c) No effluent from any source which discharges to a lake or reservoir with a surface area of 8.1 hectares (20 acres) or more, or to any tributary of such a lake or reservoir beyond 40.25 kilometers (25 miles) of the point where the tributary enters the lake or reservoir, whose untreated waste load is 2500 or more population equivalents, and which does not utilize a third-stage lagoon treatment system as specified in Sections 304.120(a) and (c), shall exceed 1.0 mg/l of phosphorus as P; however, this subsection (c) shall not apply:
- 1) Where the lake or reservoir on an annual basis exhibits a mean hydraulic retention time of 0.05 years (18 days) or less; or
 - 2) Where effluent, if untreated for removal of phosphorus, would contribute less than 3% of the phosphorus loading of all tributaries to such lake or reservoir, including non-point sources. Except as otherwise expressly provided by this Section, phosphorus loading of all tributaries to a lake or reservoir shall be estimated utilizing data pertaining to such lake or reservoir contained in the National Eutrophication Surveys, Working Paper Series, U.S. Environmental Protection Agency, June 1975, adjusted to reflect estimated improvements in non-point source control as contained in records and reports of the Agency.
- e)d) For the purpose of this Section the term "lake or reservoir" shall not include low level pools constructed in free flowing streams or any body of water which is an integral part of an operation which includes the application of sludge on land.
- f) Compliance with the limitations of paragraph (c) shall be achieved by the following dates:
- 1) New sources shall comply on the effective date of this regulation and
 - 2) Existing sources shall comply by December 31, 1989 or such other date as required by NPDES permit or

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

1) Heading of Part: Hazardous Air Pollutants

2) Code Citation: 35 Ill. Adm. Code 231

3) Section Numbers: Proposed Action:

231.110	Repeal
231.120	Repeal
231.122	Repeal
231.130	Repeal
231.140	Repeal
231.150	Repeal
231.160	Repeal
231.180	Repeal
231.190	Repeal
231.200	Repeal
231.210	Repeal
231.230	Repeal
231.240	Repeal
231.250	Repeal
231.260	Repeal
231.320	Repeal
231.330	Repeal
231. Table A	Repeal
231. Appendix A	Repeal
231. Appendix B	Repeal
231. Appendix C	Repeal

4) Statutory Authority: Illinois Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2 pars. 1010 and 1027).

5) A Complete Description of the Subject and Issues Involved:

The Board is proposing to repeal 35 Ill. Adm. Code 231 in its entirety. Part 231 constitutes the Board's National Emission Standards for Hazardous Air Pollutants (NESHAPS) adopted by peremptory rulemakings between 1979 and 1987. Prior to 1987, the Board was required to adopt the NESHAPS provisions in order for them to be enforceable in Illinois. However, in 1987, Section 9.1 of the Environmental Protection Act (Act) was amended to cause the automatic enforceability of the NESHAPS provisions in Illinois. As a result, the Board is no longer required to formally adopt NESHAPS provisions to make them effective; the NESHAPS become effective immediately upon their adoption by the United States Environmental Protection Agency (USEPA).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

as ordered by the Board under title VIII of the Act:

g) Compliance with the limitations of paragraph (d) shall be achieved by December 31, 1985 or such other date as required by NPDES permit, or as ordered by the Board under title VIII of the Act.

de) Compliance with the limitations of paragraph (b) shall be achieved by the following dates:

1) Sources with the present capability to comply shall do so on the effective date of this regulation;

2) All other sources shall comply as required by NPDES permit.

(SOURCE: Amended at _____ Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

It is no longer necessary to maintain these regulations in the Administrative Code. In fact, as new NESHAPS are adopted by USEPA and become enforceable in Illinois pursuant to Section 9.1 of the Act, these existing regulations may become outdated, or worse, may be inconsistent with the updated standards such as to cause confusion to the regulated community.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?
yes ☒ no ☐
If "yes" please specify the date: _____
- 8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending on this part? No.
- 10) Statement of Statewide Policy Objectives:

Prior to the proposed repealer, affected local governments were required to comply with the NESHAPS provisions of the Board's regulations, which incorporated by reference the NESHAPS provisions of the federal regulations. Pursuant to a 1987 amendment to Section 9.1 of the Environmental Protection Act, the federal NESHAPS provisions became automatically enforceable in Illinois. Consequently, this rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-7 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

- 12) Initial Regulatory Flexibility analysis:

- A) Date rule was submitted to the business Assistance Office of the Department of Commerce and Community Affairs: May 11, 1989

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

- B) Types of small businesses affected:

None

- C) Reporting, bookkeeping or other procedures required for compliance:

None

- D) Types of professional skills necessary for compliance:

None

The full text of the Proposed Repealer begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER e: PEREMPTORY RULES

PART 231

HAZARDOUS AIR POLLUTANTS (REPEALED)

SUBPART A: GENERAL PROVISIONS

Section
231.110

General Provisions

SUBPART B: RADON-222 EMISSIONS
FROM UNDERGROUND URANIUM MINESSection
231.120
231.122Emission Standard for Asbestos (renumbered)
Radon-222 Emissions from Underground Uranium Mines

SUBPART C: BERYLLIUM

Section
231.130

Emission Standard for Beryllium

SUBPART D: BERYLLIUM ROCKET MOTOR FIRING

Section
231.140

Emission Standard for Beryllium Rocket Motor Firing

SUBPART E: MERCURY

Section
231.150

Emission Standard for Mercury

SUBPART F: VINYL CHLORIDE

Section
231.160

Emission Standard for Vinyl Chloride

SUBPART H: RADIONUCLIDE EMISSIONS FROM
DEPARTMENT OF ENERGY (DOE) FACILITIES

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

231.180

Radionuclide Emissions from Department of Energy
(DOE) FacilitiesSUBPART I: RADIONUCLIDE EMISSIONS FROM
FACILITIES LICENSED BY THE NUCLEAR REGULATORY
COMMISSION (NRC) AND FEDERAL FACILITIES NOT
COVERED BY 35 ILL. ADM. CODE 231.180Section
231.190Radionuclide Emissions from Facilities Licensed by
the Nuclear Regulatory Commission (NRC) and Federal
Facilities Not Covered by 35 Ill. Adm. Code 231.180SUBPART J: EQUIPMENT LEAKS (Fugitive Emission Sources)
OF BENZENESection
231.200Equipment Leaks (Fugitive Emission Sources) of
BenzeneSUBPART K: RADIONUCLIDE EMISSIONS FROM
ELEMENTAL PHOSPHORUS PLANTSSection
231.210Radionuclide Emissions from Elemental Phosphorus
plants

SUBPART M: ASBESTOS

Section
231.230

Emission Standard for Asbestos

SUBPART N: INORGANIC ARSENIC EMISSIONS
FROM GLASS MANUFACTURING PLANTSSection
231.240Inorganic Arsenic Emissions from Glass
Manufacturing PlantsSUBPART O: INORGANIC ARSENIC EMISSIONS
FROM PRIMARY COPPER SMELTERSSection
231.250Inorganic Arsenic Emissions from Primary
Copper Smelters

NOTICE OF PROPOSED REPEALER

SUBPART P: INORGANIC ARSENIC EMISSIONS
FROM ARSENIC TRIOXIDE AND METALLIC
ARSENIC PRODUCTION FACILITIES

Section
231.260 Inorganic Arsenic Emissions from Arsenic Trioxide
and Metallic Arsenic Production Facilities

SUBPART V: EQUIPMENT LEAKS (Fugitive Emission Sources)

Section
231.320 Equipment Leaks (Fugitive Emission Sources)

SUBPART W: RADON-222 EMISSIONS FROM
LICENSED URANIUM MILL TAILINGS

Section
231.330 Radon-222 Emissions from Licensed Uranium Mill
Tailings

Table A Rule into Section Table; Section into Rule Table
Appendix A National Emission Standards for Hazardous Air
Pollutants, Compliance Status Information
Appendix B Test Methods
Appendix C Quality Assurance Procedures

AUTHORITY: Implementing and authorized by Section 9.1(c) of the
Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111^{1/2},
par. 1009.1(c)).

SOURCE: Peremptory rule adopted at 4 Ill. Reg. 9, p. 255,
effective February 20, 1980; peremptory amendment at 6 Ill. Reg.
9437, effective July 15, 1982; peremptory amendment at 6 Ill.
Reg. 14572, effective November 5, 1982; peremptory amendment at 7
Ill. Reg. 3029, effective March 7, 1983; codified at 7 Ill. Reg.
13624; peremptory amendment at 8 Ill. Reg. 1815, effective
January 24, 1984; peremptory amendment at 8 Ill. Reg. 14660,
effective August 1, 1984; peremptory amendment at 8 Ill. Reg.
24315, effective November 29, 1984; peremptory amendment at 9
Ill. Reg. 8878, effective May 28, 1985; peremptory amendment at 9
Ill. Reg. 9249, effective June 4, 1985; peremptory amendment at 9
Ill. Reg. 20924, effective December 16, 1985; peremptory
amendment at 10 Ill. Reg. effective 9820, effective May 20, 1986;
peremptory amendment at 10 Ill. Reg. 10152, effective May 21,
1986; peremptory amendment at 10 Ill. Reg. 15315, effective
September 9, 1986; peremptory amendment in R86-43, R86-45, R86-47
at 10 Ill. Reg. 19578, effective October 30, 1986; peremptory

NOTICE OF PROPOSED REPEALER

amendment at Ill. Reg. 10922, effective June 1, 1987; peremptory
amendment at 11 Ill. Reg. 11551, effective June 18, 1987;
peremptory amendment at 11 Ill. Reg. 14848, effective August 25,
1987; repealed at Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 231.110 General Provisions

The Board incorporates by reference 40 CFR 61, Subpart A (1986),
as amended at 51 Fed. Reg. 34904, September 30, 1986.

SUBPART B: RADON-222 EMISSIONS FROM
UNDERGROUND URANIUM MINES

Section 231.120 Emission Standard for Asbestos (renumbered)

Section 231.122 Radon-222 Emissions from Underground
Uranium Mines

The Board incorporates by reference 40 CFR 61, Subpart B as
adopted at 50 Fed. Reg. 15386, April 17, 1985.

SUBPART C: BERYLLIUM

Section 231.130 Emission Standard for Beryllium

The Board incorporates by reference 40 CFR 61, Subpart C
(1982).

SUBPART D: BERYLLIUM ROCKET MOTOR FIRING

Section 231.140 Emission Standard for Beryllium Rocket Motor
Firing

The Board incorporates by reference 40 CFR 61, Subpart D (1982).

SUBPART E: MERCURY

Section 231.150 Emission Standard for Mercury

The Board incorporates by reference 40 CFR 61, Subpart E (1986),
as amended at 52 Fed. Reg. 8724, March 19, 1987.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART F: VINYL CHLORIDE

Section 231.160 Emission Standard for Vinyl Chloride

The Board incorporates by reference 40 CFR 61, Subpart F (1986), as amended at 51 Fed. Reg. 34904, September 30, 1986.

SUBPART H: RADIONUCLIDE EMISSIONS FROM DEPARTMENT OF ENERGY (DOE) FACILITIES

Section 231.180 Radionuclide Emissions from Department of Energy (DOE) Facilities

The Board incorporates by reference 40 CFR 61, Subpart H as adopted by 50 Fed. Reg. 5190, February 6, 1985.

SUBPART I: RADIONUCLIDE EMISSIONS FROM FACILITIES LICENSED BY THE NUCLEAR REGULATORY COMMISSION (NRC) AND FEDERAL FACILITIES NOT COVERED BY 35 ILL. ADM. CODE 231.180

Section 231.190 Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities Not Covered by 35 Ill. Adm. Code 231.180

The Board incorporates by reference 40 CFR 61, Subpart I as adopted by 50 Fed. Reg. 5190, February 6, 1985.

SUBPART J: EQUIPMENT LEAKS (Fugitive Emission Sources) OF BENZENE

Section 231.200 Equipment Leaks (Fugitive Emission Sources) of Benzene

The Board incorporates by reference 40 CFR 61, Subpart J as adopted at 49 Fed. Reg. 23498, June 6, 1984.

SUBPART K: RADIONUCLIDE EMISSIONS FROM ELEMENTAL PHOSPHORUS PLANTS

Section 231.210 Radionuclide Emissions from Elemental

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Phosphorus Plants

The Board incorporates by reference 40 CFR 61, Subpart K (1986), as amended at 52 Fed. Reg. 28140, July 28, 1987.

SUBPART M: ASBESTOS

Section 231.230 Emission Standard for Asbestos

The Board incorporates by reference 40 CFR 61, Subpart M (1985) as amended at 51 Fed. Reg. 8199, March 10, 1986.

SUBPART N: INORGANIC ARSENIC EMISSIONS FROM GLASS MANUFACTURING PLANTS

Section 231.240 Inorganic Arsenic Emissions from Glass Manufacturing Plants

The Board incorporates by reference 40 CFR 61, Subpart N as adopted at 51 Fed. Reg. 27956, August 4, 1986; as amended at 51 Fed. Reg. 35354, October 3, 1986.

SUBPART O: INORGANIC ARSENIC EMISSIONS FROM PRIMARY COPPER SMELTERS

Section 231.250 Inorganic Arsenic Emissions from Primary Copper Smelters

The Board incorporates by reference 40 CFR 61, Subpart O as adopted at 51 Fed. Reg. 27956, August 4, 1986; as amended at 51 Fed. Reg. 35354, October 3, 1986.

SUBPART P: INORGANIC ARSENIC EMISSIONS FROM ARSENIC TRIOXIDE AND METALLIC ARSENIC PRODUCTION FACILITIES

Section 231.260 Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities

The Board incorporates by reference 40 CFR 61, Subpart P as adopted at 51 Fed. Reg. 27956, August 4, 1986; as amended at 51 Fed. Reg. 35354, October 3, 1986.

NOTICE OF PROPOSED REPEALER

SUBPART V: EQUIPMENT LEAKS (Fugitive Emission Sources)
Section 231.320 Equipment Leaks (Fugitive Emission Sources)
The Board incorporates by reference 40 CFR 61, Subpart V (1986) as amended at 51 Fed. Reg. 34904, September 30, 1986.

SUBPART W: RADON-222 EMISSIONS FROM
LICENSED URANIUM MILL TAILINGS

Section 231.330 Radon-222 Emissions from Licensed Uranium Mill Tailings

The Board incorporates by reference 40 CFR 61, Subpart W as adopted at 51 Fed. Reg. 34056, September 24, 1986.

Table A
Rule into Section Table;
Section into Rule Table

RULE	SECTION
1001	231.110
1002	231.120
1003	231.130
1004	231.140
1005	231.150
1006	231.160
1051	Appendix A
1052	Appendix B

Appendix A
National Emission Standards for Hazardous Air
Pollutants, Compliance Status Information

The Board incorporates by reference 40 CFR 61, Appendix A (1982).

Appendix B
Test Methods

The Board incorporates by reference 40 CFR 61, Appendix B (1986), as amended in R86-33 at 51 Fed. Reg. 27956, August 4, 1986; as

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

amended at 52 Fed. Reg. 20397, June 1, 1987.

Appendix C
Quality Assurance Procedures

The Board incorporates by reference 40 CFR 61, Appendix C (1982) as amended at 47 Fed. Reg. 39168, September 7, 1982.

NOTICE OF PROPOSED REPEALER

standards such as to cause confusion to the regulated community.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
If "yes" please specify the date: _____
- 8) Does this proposed rule (amendment, repealer) contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

Prior to the proposed repealer, affected local governments were required to comply with the NSPS provisions of the Board's regulations, which incorporated by reference the NSPS provisions of the federal regulations. Pursuant to a 1987 amendment to Section 9.1 of the Environmental Protection Act, the federal NSPS provisions became automatically enforceable in Illinois. Consequently, this rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Send written comments concerning R89-7 within 45 days of publication in the Illinois Register to the Clerk of the Pollution Control Board, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601.

12) Initial Regulatory Flexibility analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 11, 1989

- B) Types of small businesses affected:

None

NOTICE OF PROPOSED REPEALER

- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance:
None

The full text of the Proposed Repealer begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE B: AIR POLLUTION
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER e: PEREMPTORY RULES

PART 230

NEW SOURCE PERFORMANCE STANDARDS (REPEALED)

SUBPART A: GENERAL PROVISIONS

General Provisions

Section
230.110

SUBPART D: STEAM GENERATORS

Section
230.140

Fossil-Fuel Fired Steam Generators for which
 Construction is Commenced after August 17, 1971

230.141

Electric Utility Steam Generating Units for which
 Construction is Commenced after September 18, 1978

230.142

Industrial - Commercial - Institutional Steam
 Generating Units for which Construction is Commenced
 after June 19, 1984

SUBPART E: INCINERATORS

Incinerators

Section
230.150

SUBPART F: PORTLAND CEMENT PLANTS

Portland Cement Plants

Section
230.160

SUBPART G: NITRIC ACID PLANTS

Nitric Acid Plants

Section
230.170

SUBPART H: SULFURIC ACID PLANTS

Sulfuric Acid Plants

Section
230.180

SUBPART I: ASPHALT CONCRETE PLANTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section
230.190
 Asphalt Concrete Plants

SUBPART J: PETROLEUM REFINERIES

Section
230.200

Petroleum Refineries

SUBPART K: STORAGE VESSELS FOR PETROLEUM LIQUIDS

Section
230.210:

Storage Vessels for Petroleum Liquids for Which
 Construction, Reconstruction, or Modification
 Commenced After June 11, 1973, and Prior to May 19,
 1978

230.211:

Storage Vessels for Petroleum Liquids for Which
 Construction, Reconstruction, or Modification
 Commenced After May 18, 1978, and Prior to July 23,
 1984

230.212

Volatile Organic Liquid Storage Vessels (Including
 Petroleum Liquid Storage Vessels) for Which
 Construction, Reconstruction, or Modification
 Commenced after July 23, 1984

SUBPART L: SECONDARY LEAD SMELTERS

Section
230.220

Secondary Lead Smelters

SUBPART M: SECONDARY BRASS AND BRONZE
INGOT PRODUCTION PLANTSSection
230.230

Secondary Brass and Bronze Ingot Production Plants

SUBPART N: BASIC OXYGEN PROCESS FURNACES

Section
230.240

Primary Emissions from Basic Oxygen Process Furnaces
 Constructed after June 11, 1973

Section
230.241

Secondary Emissions from Basic Oxygen Process
 Steelmaking Facilities Constructed after January 20,
 1983

NOTICE OF PROPOSED REPEALER

SUBPART 0: SEWAGE TREATMENT PLANTS

Section
230.250

Sewage Treatment Plants

SUBPART P: PRIMARY COPPER SMELTERS

Section
230.260

Primary Copper Smelters

SUBPART Q: PRIMARY ZINC SMELTERS

Section
230.270

Primary Zinc Smelters

SUBPART R: PRIMARY LEAD SMELTERS

Section
230.280

Primary Lead Smelters

SUBPART S: PRIMARY ALUMINUM REDUCTION PLANTS

Section
230.290

Primary Aluminum Reduction Plants

SUBPART T: THE PHOSPHATE FERTILIZER INDUSTRY:
WET-PROCESS PHOSPHORIC ACID PLANTS

Section
230.300

Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants

SUBPART U: THE PHOSPHATE FERTILIZER INDUSTRY:
SUPERPHOSPHORIC ACID PLANTS

Section
230.310

Phosphate Fertilizer Industry: Superphosphoric Acid Plants

SUBPART V: THE PHOSPHATE FERTILIZER INDUSTRY:
DIAMMONIUM PHOSPHATE PLANTS

Section
230.320

Phosphate Fertilizer Industry: Diammonium Phosphate Plants

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART W: THE PHOSPHATE FERTILIZER INDUSTRY:
TRIPLE SUPERPHOSPHATE PLANTS

Section
230.330

Phosphate Fertilizer Industry: Triple Superphosphate Plants

SUBPART X: THE PHOSPHATE FERTILIZER INDUSTRY:
GRANULAR TRIPLE SUPERPHOSPHATE STORAGE FACILITIES

Section
230.340

Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities

SUBPART Y: COAL PREPARATION PLANTS

Section
230.350

Coal Preparation Plants

SUBPART Z: FERROALLOY PRODUCTION FACILITIES

Section
230.360

Ferroalloy Production Facilities

SUBPART AA: STEEL PLANTS:
ELECTRIC ARC FURNACES

Section
230.370

Steel Plants: Electric Arc Furnaces

Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

SUBPART BB: KRAFT PULP MILLS

Section
230.380

Kraft Pulp Mills

SUBPART CC: Glass Manufacturing Plants

Section
230.390

Glass Manufacturing Plants

SUBPART DD: GRAIN ELEVATORS

Section
230.400

Grain Elevators

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART EE: SURFACE COATING OF METAL FURNITURE

Section
230.410

Surface Coating of Metal Furniture

SUBPART GG: STATIONARY GAS TURBINES

Section
230.430

Stationary Gas Turbines

SUBPART HH: LIME MANUFACTURING PLANTS

Section
230.440

Lime Manufacturing Plants

SUBPART KK: LEAD-ACID BATTERY MANUFACTURING PLANTS

Section
230.470

Lead-Acid Battery Manufacturing Plants

SUBPART LL: METALLIC MINERAL PROCESSING PLANTS

Section
230.480

Metallic Mineral Processing Plants

SUBPART MM: AUTOMOBILE AND LIGHT-DUTY TRUCK
SURFACE COATING OPERATIONSSection
230.490Automobile and Light-Duty Truck Surface Coating
Operations

SUBPART NN: PHOSPHATE ROCK PLANTS

Section
230.500

Phosphate Rock Plants

SUBPART PP: AMMONIUM SULFATE MANUFACTURE

Section
230.520

Ammonium Sulfate Manufacture

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART OO: GRAPHIC ARTS INDUSTRY:
PUBLICATION ROTOGRAVURE PRINTINGSection
230.530Graphic Arts Industry: Publication Rotogravure
PrintingSUBPART RR: PRESSURE SENSITIVE TAPE AND LABEL
SURFACE COATING OPERATIONSSection
230.540Pressure Sensitive Tape and Label Surface Coating
OperationsSUBPART SS: INDUSTRIAL SURFACE COATING:
LARGE APPLIANCESSection
230.550

Industrial Surface Coating: Large Appliances

SUBPART TT: METAL COIL SURFACE COATING OPERATIONS

Section
230.560

Metal Coil Surface Coating Operations

SUBPART UU: ASPHALT PROCESSING AND
ASPHALT ROOFING MANUFACTURESection
230.570

Asphalt Processing and Asphalt Roofing Manufacture

SUBPART VV: EQUIPMENT LEAKS OF VOC IN THE SYNTHETIC
ORGANIC CHEMICALS MANUFACTURING INDUSTRYSection
230.580Equipment Leaks of VOC in the Synthetic Organic
Chemicals Manufacturing Industry

SUBPART WW: BEVERAGE CAN SURFACE COATING INDUSTRY

Section
230.590

Beverage Can Surface Coating Industry

SUBPART XX: BULK GASOLINE TERMINALS

Section
230.600

Bulk Gasoline Terminals

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART FFF: FLEXIBLE VINYL AND URETHANE
COATING AND PRINTING

Section
230.680 Flexible Vinyl and Urethane Coating and Printing

SUBPART GGG: EQUIPMENT LEAKS OF VOC
IN PETROLEUM REFINERIES

Section
230.690 Equipment Leaks of VOC in Petroleum Refineries

SUBPART HHH: SYNTHETIC FIBER PRODUCTION FACILITIES

Section
230.700 Synthetic Fiber Production Facilities

SUBPART JJJ: PETROLEUM DRY CLEANERS

Section
230.720 Petroleum Dry Cleaners

SUBPART KKK: EQUIPMENT LEAKS OF VOC FROM
ONSHORE NATURAL GAS PROCESSING PLANTS

Section
230.730 Equipment Leaks of VOC from Onshore Natural Gas Processing Plants

SUBPART LLL: ONSHORE NATURAL GAS PROCESSING;
SO₂ EMISSIONS

Section
230.740 Onshore Natural Gas Processing; SO₂ Emissions

SUBPART OOO: NONMETALLIC MINERAL PROCESSING PLANTS

Section
230.770 Nonmetallic Mineral Processing Plants

SUBPART PPP: WOOL FIBERGLASS INSULATION
MANUFACTURING PLANTS

Section
230.780 Wool Fiberglass Insulation Manufacturing Plants

Table A Rule into Section Table

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Table B Section into Rule Table

Appendix A Reference Methods
Appendix B Performance Specifications
Appendix C Determination of Emission Rate Change
Appendix F Quality Assurance Procedures

AUTHORITY: Implementing and authorized by Section 9.1(c) of the Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111^{1/2}, par. 1009.1(c)).

SOURCE: Peremptory rule adopted at 3 Ill. Reg. 49, p. 285, effective November 28, 1979; Peremptory rule adopted at 4 Ill. Reg. 9, p. 225, effective February 20, 1980; peremptory amendment at 4 Ill. Reg. 15, p. 1, effective March 30, 1980; peremptory amendment at 4 Ill. Reg. 23, p. 124, effective May 27, 1980; peremptory amendment at 4 Ill. Reg. 36, p. 159, effective August 25, 1980; peremptory amendment at 5 Ill. Reg. 1903, effective February 17, 1981; peremptory amendment at 5 Ill. Reg. 14205, effective December 13, 1981; peremptory amendment at 6 Ill. Reg. 3263, effective March 11, 1982; peremptory amendment at 6 Ill. Reg. 6072, effective May 7, 1982; peremptory amendment at 6 Ill. Reg. 10606, effective August 18, 1982; peremptory amendment at 6 Ill. Reg. 14572, effective November 5, 1982; peremptory amendment at 6 Ill. Reg. 15041, effective November 29, 1982; peremptory amendment at 6 Ill. Reg. 15587, effective December 9, 1982; peremptory amendment at 7 Ill. Reg. 976, effective January 10, 1983; peremptory amendment at 7 Ill. Reg. 3227, effective March 14, 1983; peremptory amendment at 7 Ill. Reg. 6978, effective May 12, 1983; peremptory amendment at 7 Ill. Reg. 8001, effective June 21, 1983; peremptory amendment at 7 Ill. Reg. 13700, effective September 29, 1983; codified at 7 Ill. Reg. 13614; peremptory amendment at 7 Ill. Reg. 17021, effective December 8, 1983; peremptory amendment at 7 Ill. Reg. 17460, effective effective February 2, 1984; peremptory amendment at 8 Ill. Reg. 3042, effective February 27, 1984; peremptory amendment at 8 Ill. Reg. 5715, effective April 16, 1984; peremptory amendment at 8 Ill. Reg. 6832, effective May 1, 1984; peremptory amendment at 8 Ill. Reg. 7927, effective May 22, 1984; peremptory amendment at 8 Ill. Reg. 10075, effective June 20, 1984; peremptory amendment at 8 Ill. Reg. 14665, effective August 1, 1984; peremptory amendment at 8 Ill. Reg. 24320, effective November 29, 1984; peremptory amendment at 9 Ill. Reg. 2539, effective February 22, 1985; peremptory amendment at 9 Ill. Reg. 8884, effective May 28, 1985; Corrected at 9 Ill. Reg. 9587; peremptory amendment at 9 Ill. Reg. 10289, effective June 24, 1985; peremptory amendment at 9 Ill.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Reg. 13377, effective August 20, 1985; peremptory amendment at 9 Ill. Reg. 17037, effective October 18, 1985; peremptory amendment at 9 Ill. Reg. 20929, effective December 16, 1985; peremptory amendment at 10 Ill. Reg. 3887, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 4963, effective March 11, 1986; peremptory amendment at 10 Ill. Reg. 10157, effective May 22, 1986; peremptory amendment at 10 Ill. Reg. 11160, effective June 10, 1986; peremptory amendment at 10 Ill. Reg. 12168, effective July 1, 1986; peremptory amendment at 10 Ill. Reg. 13762, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 16752, effective September 22, 1986; peremptory amendment at 10 Ill. Reg. 18051, effective October 6, 1986; peremptory amendment at 11 Ill. Reg. 1709, effective January 2, 1987; peremptory amendment at 11 Ill. Reg. 8794, effective April 15, 1987; peremptory amendment at 11 Ill. Reg. 10927, effective June 1, 1987; peremptory amendment at 11 Ill. Reg. 11557, effective June 13, 1987; peremptory amendment at 11 Ill. Reg. 12050, effective July 2, 1987; peremptory amendment at 11 Ill. Reg. 14837, effective August 25, 1987; Repealed at ____ Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 230.110 General Provisions

The Board incorporates by reference 40 CFR 60, Subpart A (1986); as amended at 52 Fed. Reg. 9778, March 26, 1987; as amended at 52 Fed. Reg. 17555, May 11, 1987.

SUBPART D: STEAM GENERATORS

Section 230.140 Fossil Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971

The Board incorporates by reference 40 CFR 60, Subpart D (1986), as amended at 51 Fed. Reg. 42796, November 25, 1986; as amended at 51 Fed. Reg. 42839, November 26, 1986.

Section 230.141 Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978

The Board incorporates by reference 40 CFR 60, Subpart Da (1986), as amended at 51 Fed. Reg. 42839, November 26, 1986.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.142 Industrial - Commercial - Institutional Steam Generating Units for which Construction is Commenced after June 19, 1984

The Board incorporates by reference 40 CFR 60, Subpart Db as adopted at 51 Fed. Reg. 42768, November 25, 1986; as amended at 51 Fed. Reg. 42839, November 26, 1986.

SUBPART E: INCINERATORS

Section 230.150 Incinerators

The Board incorporates by reference 40 CFR 60, Subpart E (1982).

SUBPART F: PORTLAND CEMENT PLANTS

Section 230.160 Portland Cement Plants

The Board incorporates by reference 40 CFR 60, Subpart F (1982).

SUBPART G: NITRIC ACID PLANTS

Section 230.170 Nitric Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart G (1982); as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART H: SULFURIC ACID PLANTS

Section 230.180 Sulfuric Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart H (1982), as amended at 48 Fed. Reg. 23608, May 25, 1983; as amended at 48 Fed. Reg. 44700, September 29, 1983; as amended at 48 Fed. Reg. 48669, October 20, 1983.

SUBPART I: ASPHALT CONCRETE PLANTS

Section 230.190 Asphalt Concrete Plants

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

The Board incorporates by reference 40 CFR 60, Subpart I (1985), as amended at 51 Fed. Reg. 12324, April 10, 1986.

SUBPART J: PETROLEUM REFINERIES

Section 230.200 Petroleum Refineries

The Board incorporates by reference 40 CFR 60, Subpart J (1986), as amended at 51 Fed. Reg. 42839, November 26, 1986.

SUBPART K: STORAGE VESSELS FOR PETROLEUM LIQUIDS

Section 230.210 Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after June 11, 1973, and Prior to May 19, 1978

The Board incorporates by reference 40 CFR 60, Subpart K (1986), as amended at 52 Fed. Reg. 11420, April 8, 1987.

Section 230.211 Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after May 18, 1978, and prior to July 23, 1984.

The Board incorporates by reference 40 CFR 60, Subpart Ka (1986), as amended at 52 Fed. Reg. 11420, April 8, 1987.

Section 230.212 Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984

The Board incorporates by reference 40 CFR 60, Subpart Kb, as adopted at 52 Fed. Reg. 11420, April 8, 1987, as amended at 52 Fed. Reg. 22779, June 16, 1987.

SUBPART L: SECONDARY LEAD SMELTERS

Section 230.220 Secondary Lead Smelters

The Board incorporates by reference 40 CFR 60, Subpart L (1982).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART M: SECONDARY BRASS AND BRONZE
INGOT PRODUCTION PLANTS

Section 230.230 Secondary Brass and Bronze Ingot Production Plants

The Board incorporates by reference 40 CFR 60, Subpart M (1984), as amended at 49 Fed. Reg. 43616, October 30, 1984.

SUBPART N: BASIC OXYGEN PROCESS FURNACES

Section 230.240 Primary Emissions from Basic Oxygen Process Furnaces Constructed after June 11, 1973

The Board incorporates by reference 40 CFR 60, Subpart N (1985), as amended at 51 Fed. Reg. 150, January 2, 1986.

Section 230.241 Secondary Emissions from Basic Oxygen Steelmaking Facilities Constructed after January 20, 1983

The Board incorporates by reference 40 CFR 60, Subpart Na as adopted at 51 Fed. Reg. 150, January 2, 1986.

SUBPART O: SEWAGE TREATMENT PLANTS

Section 230.250 Sewage Treatment Plants

The Board incorporates by reference 40 CFR 60, Subpart O (1982).

SUBPART P: PRIMARY COPPER SMELTERS

Section 230.260 Primary Copper Smelters

The Board incorporates by reference 40 CFR 60, Subpart P (1982), as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART Q: PRIMARY ZINC SMELTERS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.270 Primary Zinc Smelters

The Board incorporates by reference 40 CFR 60, Subpart Q (1982), as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART R: PRIMARY LEAD SMELTERS

Section 230.280 Primary Lead Smelters

The Board incorporates by reference 40 CFR 60, Subpart R (1982), as amended at 48 Fed. Reg. 23608, May 25, 1983.

SUBPART S: PRIMARY ALUMINUM REDUCTION PLANTS

Section 230.290 Primary Aluminum Reduction Plants

The Board incorporates by reference 40 CFR 60, Subpart S (1982).

SUBPART T: THE PHOSPHATE FERTILIZER INDUSTRY:
WET-PROCESS PHOSPHORIC ACID PLANTSSection 230.300 Phosphate Fertilizer Industry: Wet-Process
Phosphoric Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart T (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

SUBPART U: THE PHOSPHATE FERTILIZER INDUSTRY:
SUPERPHOSPHORIC ACID PLANTSSection 230.310 Phosphate Fertilizer Industry: Superphosphoric
Acid Plants

The Board incorporates by reference 40 CFR 60, Subpart U (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

SUBPART V: THE PHOSPHATE FERTILIZER INDUSTRY:
DIAMMONIUM PHOSPHATE PLANTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.320 Phosphate Fertilizer Industry: Diammonium
Phosphate Plants

The Board incorporates by reference 40 CFR 60, Subpart V (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

SUBPART W: THE PHOSPHATE FERTILIZER INDUSTRY:
TRIPLE SUPERPHOSPHATE PLANTSSection 230.330 Phosphate Fertilizer Industry: Triple
Superphosphate Plants

The Board incorporates by reference 40 CFR 60, Subpart W (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983; as amended at 48 Fed. Reg. 7128, February 17, 1983.

SUBPART X: THE PHOSPHATE FERTILIZER INDUSTRY:
GRANULAR TRIPLE SUPERPHOSPHATE STORAGE FACILITIESSection 230.340 Phosphate Fertilizer Industry: Granular Triple
Superphosphate Storage Facilities

The Board incorporates by reference 40 CFR 60, Subpart X (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983.

SUBPART Y: COAL PREPARATION PLANTS

Section 230.350 Coal Preparation Plants

The Board incorporates by reference 40 CFR 60, Subpart Y (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983.

SUBPART Z: FERROALLOY PRODUCTION FACILITIES

Section 230.360 Ferroalloy Production Facilities

The Board incorporates by reference 40 CFR 60, Subpart Z (1982), as amended at 48 Fed. Reg. 3734, January 27, 1983.

SUBPART AA: STEEL PLANTS:
ELECTRIC ARC FURNACES

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Section 230.370 Steel Plants: Electric Arc Furnaces
The Board incorporates by reference 40 CFR 60, Subpart AA (1984), as amended at 49 Fed. Reg. 43838, October 31, 1984.

Section 230.371 Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983
The Board incorporates by reference 40 CFR 60, Subpart AAa as adopted at 49 Fed. Reg. 43838, October 31, 1984.

SUBPART BB: KRAFT PULP MILLS

Section 230.380 Kraft Pulp Mills

The Board incorporates by reference 40 CFR 60, Subpart BB (1985), as amended at 50 Fed. Reg. 6316, February 14, 1985; as amended at 50 Fed. Reg. 9577, March 8, 1985; as amended at 51 Fed. Reg. 18538, May 20, 1986.

SUBPART CC: GLASS MANUFACTURING PLANTS

Section 230.390 Glass Manufacturing Plants

The Board incorporates by reference 40 CFR 60, Subpart CC (1984), as amended at 49 Fed. Reg. 41030, October 19, 1984

SUBPART DD: GRAIN ELEVATORS

Section 230.400 Grain Elevators

The Board incorporates by reference 40 CFR 60, Subpart DD (1982).

SUBPART EE: SURFACE COATING OF METAL FURNITURE

Section 230.410 Surface Coating of Metal Furniture

The Board incorporates by reference 40 CFR 60, Subpart EE (1984), as amended at 50 Fed. Reg. 18247, April 30, 1985.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART GG: STATIONARY GAS TURBINES

Section 230.430 Stationary Gas Turbines

The Board incorporates by reference 40 CFR 60, Subpart GG (1983), as amended at 49 Fed. Reg. 30672, July 31, 1984.

SUBPART HH: LIME MANUFACTURING PLANTS

Section 230.440 Lime Manufacturing Plants

The Board incorporates by reference 40 CFR 60, Subpart HH (1986); as amended at 52 Fed. Reg. 4773, February 17, 1987

SUBPART KK: LEAD-ACID BATTERY MANUFACTURING PLANTS

Section 230.470 Lead-Acid Battery Manufacturing Plants

The Board incorporates by reference 40 CFR 60, Subpart KK (1982).

SUBPART LL: METALLIC MINERAL PROCESSING PLANTS

Section 230.480 Metallic Mineral Processing Plants

The Board incorporates by reference 40 CFR 60, Subpart LL, as adopted at 49 Fed. Reg. 6458, February 21, 1984.

SUBPART MM: AUTOMOBILE AND LIGHT-DUTY TRUCK SURFACE COATING OPERATIONS

Section 230.490 Automobile and Light-Duty Truck Surface Coating Operations

The Board incorporates by reference 40 CFR 60, Subpart MM (1982).

SUBPART NN: PHOSPHATE ROCK PLANTS

Section 230.500 Phosphate Rock Plants

The Board incorporates by reference 40 CFR 60, Subpart NN (1982).

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART PP: AMMONIUM SULFATE MANUFACTURE

Section 230.520 Ammonium Sulfate Manufacture

The Board incorporates by reference 40 CFR 60, Subpart PP (1982).

SUBPART QQ: GRAPHIC ARTS INDUSTRY:
PUBLICATION ROTOGRAVURE PRINTING

Section 230.530 Graphic Arts Industry: Publication Rotogravure Printing

The Board incorporates by reference 40 CFR 60, Subpart QQ (1982), as amended at 47 Fed. Reg. 50644, November 8, 1982; as amended at 48 Fed. Reg. 1056, January 10, 1983.

SUBPART RR: PRESSURE SENSITIVE TAPE AND LABEL
SURFACE COATING OPERATIONS

Section 230.540 Pressure Sensitive Tape and Label Surface Coating Operations

The Board incorporates by reference 40 CFR 60, Subpart RR (1983), as amended at 48 Fed. Reg. 48368, October 18, 1983.

SUBPART SS: INDUSTRIAL SURFACE COATING:
LARGE APPLIANCES

Section 230.550 Industrial Surface Coating: Large Appliances

The Board incorporates by reference 40 CFR 60, Subpart SS (1982), as amended at 47 Fed. Reg. 47778, October 27, 1982.

SUBPART TT: METAL COIL SURFACE COATING

Section 230.560 Metal Coil Surface Coating Operations

The Board incorporates by reference 40 CFR 60, Subpart TT (1985), as amended at 47 Fed. Reg. 49606, November 1, 1982; as amended in R86-26 at 51 Fed. Reg. 22938, June 24, 1986.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART UU: ASPHALT PROCESSING AND
ASPHALT ROOFING MANUFACTURE

Section 230.570 Asphalt Processing and Asphalt Roofing Manufacture

The Board incorporates by reference 40 CFR 60, Subpart UU (1982), as amended at 47 Fed. Reg. 34137, August 6, 1982.

SUBPART VV: EQUIPMENT LEAKS OF VOC IN THE SYNTHETIC
ORGANIC CHEMICALS MANUFACTURING INDUSTRY

Section 230.580 Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry

The Board incorporates by reference 40 CFR 60, Subpart VV (1983), as amended at 48 Fed. Reg. 48328, October 18, 1983; as amended at 49 Fed. Reg. 22598, May 30, 1984; as amended at 49 Fed. Reg. 26738, June 29, 1984.

SUBPART WW: BEVERAGE CAN SURFACE COATING INDUSTRY

Section 230.590 Beverage Can Surface Coating Industry

The Board incorporates by reference 40 CFR 60, Subpart WW as adopted at 48 Fed. Reg. 38728, August 25, 1983.

SUBPART XX: BULK GASOLINE TERMINALS

Section 230.600 Bulk Gasoline Terminals

The Board incorporates by reference 40 CFR 60, Subpart XX as adopted at 48 Fed. Reg. 35790, August 18, 1983.

SUBPART FFF: FLEXIBLE VINYL AND
COATING AND PRINTING

Section 230.680 Flexible Vinyl and Urethane Coating and Printing

The Board incorporates by reference 40 CFR 60, Subpart FFF as adopted at 49 Fed. Reg. 26884, June 29, 1984; as amended at 49 Fed. Reg. 32848, August 17, 1984.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART GGG: EQUIPMENT LEAKS OF VOC
IN PETROLEUM REFINERIES

Section 230.690 Equipment Leaks of VOC in Petroleum Refineries
The Board incorporates by reference 40 CFR 60, Subpart GGG as adopted at 49 Fed. Reg. 22598, May 30 1984.

SUBPART HHH: SYNTHETIC FIBER
PRODUCTION FACILITIES

Section 230.700 Synthetic Fiber Production Facilities

The Board incorporates by reference 40 CFR 60, Subpart HHH (1983), as amended at 49 Fed. Reg. 13646, April 5, 1984; as amended at 49 Fed. Reg. 18096, April 27, 1984.

SUBPART JJJ: PETROLEUM DRY CLEANERS

Section 230.720 Petroleum Dry Cleaners

The Board incorporates by reference 40 CFR 60, Subpart JJJ (1984) as amended at 50 Fed. Reg. 49022, November 27, 1985.

SUBPART KKK: EQUIPMENT LEAKS OF VOC FROM
ONSHORE NATURAL GAS PROCESSING PLANTS

Section 230.730 Equipment Leaks of VOC from Onshore Natural Gas Processing Plants

The Board incorporates by reference 40 CFR 60, Subpart KKK, as adopted at 50 Fed. Reg. 26122, June 24, 1985.

SUBPART LLL: ONSHORE NATURAL GAS PROCESSING;
SO₂ EMISSIONS

Section 230.740 Onshore Natural Gas Processing; SO₂ Emissions
The Board incorporates by reference 40 CFR 60, Subpart LLL, as adopted at 50 Fed. Reg. 40158, October 1, 1985.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

SUBPART OOO: NONMETALLIC MINERAL PROCESSING PLANTS

Section 230.770 Nonmetallic Mineral Processing Plants

The Board incorporates by reference 40 CFR 60, Subpart OOO, as adopted at 50 Fed. Reg. 31328, August 1, 1985.

SUBPART PPP: WOOL FIBERGLASS
INSULATION MANUFACTURING PLANTS

Section 230.780 Wool Fiberglass Insulation Manufacturing Plants

The Board incorporates by reference 40 CFR 60, Subpart PPP as adopted at 50 Fed. Reg. 7694, February 25, 1985.

Table A
Rule into Section Table

RULE	SECTION
901	230.110
902	230.140
902.1	230.141
903	230.150
904	230.160
905	230.170
906	230.180
907	230.190
908	230.200
909	230.210
909.1	230.211
910	230.220
911	230.230
912	230.240
913	230.250
914	230.200
915	230.270
916	230.280
917	230.290
918	230.300
919	230.310
920	230.320
921	230.330
922	230.340

ILLINOIS REGISTER		POLLUTION CONTROL BOARD		NOTICE OF PROPOSED REPEALER	
923	230.350	919	230.310	919	230.310
924	230.360	920	230.320	920	230.320
925	230.370	921	230.330	921	230.330
926	230.380	922	230.340	922	230.340
927	230.390	923	230.350	923	230.350
928	230.400	924	230.360	924	230.360
929	230.410	925	230.370	925	230.370
931	230.430	926	230.380	926	230.380
932	230.440	927	230.390	927	230.390
935	230.470	928	230.400	928	230.400
937	230.490	929	230.410	929	230.410
938	230.500	931	230.430	931	230.430
940	230.520	932	230.440	932	230.440
941	230.530	935	230.470	935	230.470
943	230.550	937	230.490	937	230.490
944	230.560	938	230.500	938	230.500
945	230.570	940	230.520	940	230.520
951	Appendix A	941	230.530	941	230.530
952	Appendix B	943	230.550	943	230.550
953	Appendix C	944	230.560	944	230.560
968	230.700	945	230.570	945	230.570
		968	230.700	968	230.700
		Appendix A	Appendix A	Appendix A	Appendix A
		Appendix B	Appendix B	Appendix B	Appendix B
		Appendix C	Appendix C	Appendix C	Appendix C

Table B

Section to Rule Table

SECTION	RULE
230.110	901
230.140	902
230.141	902.1
230.150	903
230.160	904
230.170	905
230.180	906
230.190	907
230.200	908
230.210	909
230.211	909.1
230.220	910
230.230	911
230.240	912
230.250	913
230.200	914
230.270	915
230.280	916
230.290	917
230.300	918

Appendix A: Reference Methods

The Board incorporates by reference 40 CFR 60, Appendix A, (1986); as amended at 51 Fed. Reg. 29104, August 14, 1986; as amended at 51 Fed. Reg. 32454, September 12, 1986; as amended at 51 Fed. Reg. 42839, November 26, 1986; as amended at 51 Fed. Reg. 44803, December 12, 1986; as amended at 52 Fed. Reg. 5105, February 19, 1987; as amended at 52 Fed. Reg. 9778, March 26, 1987; as amended at 52 Fed. Reg. 19797 (numbered as 18797), May 27, 1987; as amended at 52 Fed. Reg. 20391, June 1, 1987; as amended in R87-15, July 16, 1987.

Appendix B
Performance Specifications

The Board incorporates by reference 40 CFR 60, Appendix B 1986, as amended at 52 Fed. Reg. 17555, May 11, 1987.

Appendix C

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED REPEALER

Determination of Emission Rate Change

The Board incorporates by reference 40 CFR 60, Appendix C (1982).

Appendix F: Quality Assurance Procedures

The Board incorporates by reference 52 Fed. Reg. 21003, June 4, 1987, as amended in R87-17, July 16, 1987; as amended at 52 Fed. Reg. 27612, July 22, 1987.

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: Proposed Action:

120.393

New Section

4) Statutory Authority: Articles III, IV, V, VI and VII and Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., 12-4.5, 12-4.6 and 12-13).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements a six-month demonstration project in Macon County and the Garfield and Western local offices in Cook County under which the Department will provide Medicaid to pregnant women and children under age eight years who do not qualify as mandatory categorically needy and whose incomes are no more than 185% of the Federal Poverty Income Guidelines. This expanded Medicaid coverage is authorized by the federal Omnibus Budget Reconciliation Act of 1987.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.70	Amendment	March 17, 1989 (13 Ill. Reg. 3281)
120.72	New Section	March 17, 1989 (13 Ill. Reg. 3281)
120.74	New Section	March 17, 1989 (13 Ill. Reg. 3281)

Section Numbers	Proposed Action	Illinois Register Citation
120.76	New Section	March 17, 1989 (13 Ill. Reg. 3281)
120.382	Amendment	March 17, 1989 (13 Ill. Reg. 3281)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendment begins on the next page:

Section	Incorporation By Reference
120.1	

SUBPART A: GENERAL PROVISIONS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART B: ASSISTANCE STANDARDS

Eligibility For Medical Assistance

Eligibility For Medical Assistance For Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

MANG(AABD) Income Standard

MANG(C) Income Standard

MANG(P) Income Standard

Exceptions To Use Of MANG Income Standard

AMI Income Standard

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and MANG(C)

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.70 Supplementary Medical Insurance Benefits, Buy-In Program

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.208 Client Cooperation
120.210 Citizenship
120.211 Residence
120.212 Age

120.215 Relationship
120.216 Living Arrangement
120.217 Supplemental Payments
120.218 Institutional Status
120.224 Foster Care Program
120.225 Social Security Numbers
120.230 Unearned Income
120.235 Exempt Unearned Income
120.236 Education Benefits
120.240 Unearned Income In-Kind
120.245 Earmarked Income
120.250 Lump Sum Payments and Income Tax Refunds
120.255 Protected Income
120.260 Earned Income
120.261 Budgeting Earned Income
120.262 Exempt Earned Income
120.270 Recognized Employment Expenses
120.271 Income From Work/Study/Training Program
120.272 Earned Income From Self-Employment
120.273 Earned Income From Roomer and Boarder
120.275 Earned Income In-Kind
120.276 Payments from the Illinois Department of Children and Family Services
120.280 Assets
120.281 Exempt Assets

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

Section
120.282 Asset Disregards
120.283 Deferral of Consideration of Assets
120.285 Property Transfers
120.290 Persons Who May Be Included in the Assistance Unit
120.295 Payment Levels for AMI

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and Collection of Payment

120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Foster Care Program
120.325 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Court Ordered Child Support Payments of Parent/Step-Parent
120.345 Earmarked Income
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

Section
 120.364 Earned Income Exemption
 120.366 Exclusion From Earned Income Exemption
 120.370 Recognized Employment Expenses
 120.371 Income From Work/Study/Training Programs
 120.372 Earned Income From Self-Employment
 120.373 Earned Income From Roomer and Boarder
 120.375 Earned Income In Kind
 120.376 Payments from the Illinois Department of Children and Family Services
 120.380 Assets
 120.381 Exempt Assets
 120.382 Asset Disregard
 120.383 Deferral of Consideration of Assets
 120.385 Property Transfers
 120.390 Persons Who May Be Included In the Assistance Unit
 120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Infants Under Age One Year
 120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy
 Demonstration Project
 120.395 Payment Levels for MANG
 120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., 12-4.5, 12-4.6 and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill.

Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10767, effective October 1, 1981; 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982;

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835,

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

effective July 22, 1988; emergency amendment at 12 Ill. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 13 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 120.393 Pregnant Women And Children Under Age Eight
Years Who Do Not Qualify As Mandatory
Categorically Needy Demonstration Project

The Department shall conduct a six-month demonstration project in Macon County and the Garfield and Western local offices of Cook County to test the impact of providing Medicaid to pregnant women and children under age eight years who do not qualify as mandatory categorically needy and whose incomes are no more than 185 percent of the Federal Poverty Income Guidelines.

(Source: Added at 13 Ill. Reg. _____, effective _____)

- 1) Heading of the Part: State of Illinois Dependent Care Assistance Plan
- 2) Code Citation: 80 Ill. Adm. Code 2110
- 3) Section Numbers:

2110.30	Amendment
2110.320	Amendment
2110.330	Amendment
2110.510	Amendment
2110.530	Amendment
- 4) Statutory Authority: Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 U.S.C. 125 and 129(d)), Section 6365 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 6365), Section 30c of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1987, ch. 127, par. 166c), and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (Ill. Rev. Stat. 1987, ch. 127, pars. 523 and 529) and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 16).
- 5) Effective Date of the Adopted Amendments: May 31, 1989
- 6) Do the Adopted Amendments Contain an Automatic Repeal Date? No
- 7) Do the Adopted Amendments Contain Incorporations by Reference? No
- 8) Date Filed in Agency's Principal Office: May 15, 1989
- 9) The Date the Notice of Proposed Rules Was Published in the Illinois Register: 13 Ill. Reg. 1 - January 6, 1989
- 10) Did JCAR Issue a Statement of Objection to the Rules? No
- 11) Differences Between the Proposed and Adopted Versions: Changes have been made to reflect an IRS clarification issued since the amendments were proposed and JCAR agreements. The changes follows:

Section 2110.30(a) - The definition of "Dependent Care Expenses" has been revised to clarify that the cost of schooling in the first grade or higher is an ineligible expense.

Drafting and editing changes requested by JCAR have been made.
- 12) Have All the Changes Agreed Upon by JCAR and the Agency Been Made as Indicated in the Agreement Letter Issued by JCAR to the Agency? Yes

- 13) Will These Adopted Amendments Replace Emergency Amendments Currently in Effect? Yes
- 14) Are There Any Proposed Amendments Pending on This Part? No
- 15) Summary and Purpose of Rulemaking: The amendments have been adopted to comply with the provisions of Title VII of the Family Support Act of 1988 (Public Law 100-485) effective January 1, 1989.
- 16) Name, Address and Telephone Number of the Person to Whom Information and Questions Regarding These Adopted Amendments Shall Be Directed:

Michael Jaroch, Manager
 Bureau of Benefits
 Department of Central Management Services
 616 Stratton Building
 Springfield, IL 62706
 (217)785-0576

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF ADOPTED AMENDMENT(S)TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE F: EMPLOYEE BENEFITS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2110

STATE OF ILLINOIS DEPENDENT CARE ASSISTANCE PLAN

SUBPART A: INTRODUCTION AND DEFINITIONS

Section
2110.10
2110.20
2110.30Summary and Purpose of Plan
Plan Number
Definitions

SUBPART B: ADMINISTRATION

Section
2110.110
2110.120Role of the Department
Expenses of Administration

SUBPART C: PARTICIPATION

Section
2110.210
2110.220
2110.230
2110.240Date of Participation
Insufficient Salary
Errors
Reinstatement of Former Participant (REPEALED)

SUBPART D: ELECTION TO RECEIVE DEPENDENT CARE ASSISTANCE

Section
2110.310
2110.320
2110.330
2110.340Election Procedure
Irrevocability of Election
Maximum Dependent Care Assistance
Minimum Dependent Care Assistance

SUBPART E: DEPENDENT CARE ASSISTANCE ACCOUNTS

Section
2110.410
2110.420
2110.430
2110.440Establishment of Accounts
Crediting of Accounts
Debiting of Accounts
Forfeiture of Accounts

SUBPART F: PAYMENT OF DEPENDENT CARE ASSISTANCE ACCOUNTS

Section
2110.510
2110.520Claims for Reimbursement
Reimbursement of Participant

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

2110.530 Exclusions
2110.540 Statements

SUBPART G: TERMINATION OF PARTICIPATION

Section
2110.610
2110.620Termination or Death of Participant
Fraud

SUBPART H: MISCELLANEOUS

Section
2110.710
2110.720
2110.730
2110.740
2110.750
2110.760
2110.770
2110.780
2110.790
2110.800
2110.810Non-discrimination
Illegality of a Particular Provision
Applicable Law
Rights Against the Employer
Effect on Pension
Effect on Social Security
Benefits Solely From General Assets
Nonassignability of Rights
Tax Consequences
Indemnification of State by Participants
Right to Amend and Terminate Reserved

AUTHORITY: Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 U.S.C. 125 and 129(d)), Section 63b5 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 63b5), Section 30c of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1987, ch. 127, par. 166c), and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (Ill. Rev. Stat. 1987, ch. 127, pars. 523 and 529) and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 16).

SOURCE: Emergency rules adopted at 10 Ill. Reg. 20248, effective December 1, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 9477, effective April 30, 1987; emergency amendments at 12 Ill. Reg. 11795, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17283, effective October 14, 1988; emergency amendments at 13 Ill. Reg. 214, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9259, effective May 31, 1989.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 2110.30 Definitions

- a) Wherever used in the Plan, the following terms have the following meanings and when the defined meaning is intended, the term is capitalized:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

"Change in Family Status" means marriage, divorce, death of Spouse or child, birth or adoption of child, termination of employment of Spouse, or any other events which the Department determines constitute a Change in Family Status.

"Code" means the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq. [1985]) and applicable regulations, or any successor statute.

"Compensation" means wages, salaries and other Employee Compensation received by a Participant or Spouse, including the net earnings from self-employment within the meaning of Section 1402(a) of the Code.

"Department" means the Illinois Department of Central Management Services.

"Dependent Care Expenses" mean expenses incurred by a Participant which:

are incurred for the well-being and protection of a Dependent of the Participant,

are paid to a Dependent Care Service Provider, and

are incurred to enable the Participant and his or her Spouse to be gainfully employed.

They may be for household services if part of the services are for the care of the Dependent.

Dependent Care Expenses do not include expenses paid or incurred for services provided by:

a child of the Participant who is under the age of 19 at the close of the Plan Year; or

an individual who the Participant or Spouse can claim as an exemption on his or her income tax form.

Examples of eligible expenses are:

Day care centers. Such centers must comply with all applicable laws and regulations of a State or unit of local government.

Nursery schools and pre-schools (private or public) for--children-up-to-age-67-as-long-as-the-children-are-not-in-a-full-time-school-environment.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Before and after-school care.

Babysitters or nurses or grandparents or any other Dependent Care Service Providers inside or outside the Participant's home.

Household services. The services of a housekeeper, maid, or cook are eligible expenses if performed partly for the benefit of the Dependent.

Work-related expenses. Any work-related expenses which allow the Participant (and Spouse, if married) to work. Examples are meals and lodging for a housekeeper and Social Security and Federal unemployment taxes paid on wages.

Examples of expenses that are not eligible are:

The cost of schooling in the first grade or higher.

Chauffeur or gardener services.

Expenses claimed on the Participant's income tax return or by another taxpayer.

Transportation related to dependent care services.

Summer camp and special instruction, i.e., dance, music, art and swimming lessons, are examples of expenses which are not eligible for Reimbursement.

Other examples of those expenses which are not eligible are those not allowed by the Internal Revenue Service for the child and dependent care credit on an income tax return.

"Dependent Care Service Provider" means a person or institution which provides care or other services described in the definition of Dependent Care Expenses above.

"Dependents" are classified as children under age 13 to whom the Participant is entitled to claim as an exemption on his or her income tax form or older persons (including Spouses) who require care while the Participant or Spouse work. To qualify for dependent care Reimbursement for persons over age 13 to 15, the following must apply:

Dependent must spend eight or more hours a day in

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Participant's home.

Dependent must be physically or mentally incapable of being left alone.

Dependent could be claimed as a dependent on Participant's income tax return except that the person has gross income of \$1,900 or more.

A non-custodial parent who receives an income tax exemption under 151(e) of the Code cannot claim that child as a Dependent for purposes of this Plan.

"Effective Date" means any paycheck issued after January 1 of the Plan Year.

"Employee" means an Employee of the Employer excluding independent contractors and retirees who return to work for not longer than 75 days per year after they retire.

"Employer" means the State of Illinois, which includes all officers, boards, commissions, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch, all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute other than units of local government and their officers, school districts and boards of election commissioners, and all administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

"Enrollment Form" means the form provided by the Department for the purpose of filing an election and Compensation reduction agreement and for making changes authorized by the Plan.

"Highly Compensated Participant" means any Participant who was in either of the following categories at any time during the current year:

an officer of the State or its administrative units or corporate outgrowths who has annual total Compensation greater than \$75,000, or

who receives Compensation in excess of \$50,000 and is in the top 20% of all State Employee salaries.

"Participant" means each Employee who participates in the Plan in accordance with Section 2110.210 of this Part.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

"Pay Period" means a regular accounting period established by the State of Illinois for measuring and paying Compensation earned by Employees. A Pay Period may be monthly, semi-monthly or biweekly.

"Plan" means the State of Illinois Dependent Care Assistance Plan as set forth in these rules, and as may be amended from time to time in compliance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, Ch. 127, pars. 1001 et seq.).

"Plan Year" means the 12-consecutive-month period comprising the State fiscal year beginning July 1.

"Reimbursement" means to pay a Participant in this Plan for Dependent Care Expenses from his or her dependent care assistance account.

"Spouse" means the person to whom the Participant is married. Spouse does not include a person separated from the Participant under a decree of divorce or separate maintenance.

"Termination" means the permanent severance of the Participant's employment relationship with the Employer as provided by the appropriate rules of the Employer.

b) A pronoun or adjective in the masculine gender includes the feminine gender and the singular includes the plural, unless the context clearly indicates otherwise.

(Source: Amended at 13 Ill. Reg. 9259, effective May 31, 1989.)

SUBPART D: ELECTION TO RECEIVE DEPENDENT CARE ASSISTANCE

Section 2110.320 Irrevocability of Election

a) An election to participate shall be irrevocable during the Plan Year unless a change in family status has occurred.

b) A change in family status including marriage, divorce, death of a Spouse or child, birth or adoption of a child, termination of employment of a Spouse, and such other events that the Department determines constitute a change in family status, will permit a change or revocation of an election during a Plan Year under the Code. Failure to obtain the taxpayer identification or social security number of the Dependent Care Service Provider will not constitute a valid Change in Family Status.

c) Any new election under this Section shall be effective the first Pay Period after the election form is completed and processed by the

NOTICE OF ADOPTED AMENDMENT(S)

Department.

(Source: Amended at 13 Ill. Reg. 9259, effective May 31, 1989)

Section 2110.330 Maximum Dependent Care Assistance

- a) The maximum amount for which the Participant may be reimbursed under this Plan during the Plan Year shall be the least of:
- 1) the Participant's taxable Compensation for the Plan Year,
 - 2) the actual taxable or deemed Compensation of the Participant's Spouse for the Plan Year, or
 - 3) \$5,000.
- b) The combined maximum for a Participant and Spouse who are both participating in plans of this type is \$5,000.
- c) The maximum for a married Participant filing a separate return is \$2,500.
- d) The Pay Period maximum is the annual maximum divided by the number of Pay Periods in the Plan Year. This Pay Period maximum cannot be exceeded even if there is a Change in Family Status.
- e) Any amount reimbursed under this Plan during the tax year reduces, dollar for dollar, the amount of expenses eligible for the dependent care credit on the Participant's federal income tax form.
- etf) A Spouse shall be deemed to have Compensation of \$200 per month if the Participant has one Dependent and \$400 per month if the Participant has two or more Dependents if the Spouse is:
- 1) a student at an educational institution or
 - 2) is physically or mentally incapable or caring for himself or herself.
- fig) A Participant shall be considered married for the whole Plan Year if the Participant is married during the Plan Year.
- gjh) A Participant shall be considered single if he or she is divorced from the Spouse at the close of the Plan Year.

(Source: Amended at 13 Ill. Reg. 9259, effective May 31, 1989)

SUBPART F: PAYMENT OF DEPENDENT CARE ASSISTANCE ACCOUNTS

Section 2110.510 Claims for Reimbursement

- a) A Participant who has enrolled for a Plan Year may apply to the Department for Reimbursement of Dependent Care Expenses incurred by the Participant between July 1 and June 30. Dependent Care Expenses are treated as incurred when the dependent care is provided and not when the Participant is billed or charged, or pays for the dependent care.
- b) New Employees may apply for Reimbursement of Dependent Care Expenses incurred between the first day of the Pay Period deductions begin in

NOTICE OF ADOPTED AMENDMENT(S)

- c) Participants with Section 2110.210 of this Part and June 30. Participants who revoke participation in accordance with Section 2110.320 of this Part before the end of the Plan Year may apply for Reimbursement of Dependent Care Expenses incurred between July 1 and the last day of the Pay Period there was a deduction.
- d) The Participant may apply by submitting an application in writing to the Department on a claim form provided by the Department setting forth:
- 1) the amount, beginning and ending service date and nature of the expense with respect to which a benefit is requested;
 - 2) the name, of the person, organization, or entity, to which the expense was paid, and address, and tax identification number or social security number of the Dependent Care Service Provider, unless the provider is a tax exempt organization in which case only the name and address must be provided; and
 - 3) bills, invoices, receipts, cancelled checks or other statements showing the amounts of such expenses.

(Source: Amended at 13 Ill. Reg. 9259, effective May 31, 1989)

Section 2110.530 Exclusions

A Participant shall not be reimbursed for any expense that would otherwise be a Dependent Care Expense if:

- a) such expense was incurred at a time when the Participant was not a Participant in the Plan; or
- b) a claim for Reimbursement of such expense has not been filed in accordance with provisions of Section 2110.510; or
- c) such expense was claimed as a credit or deduction on the Participant's federal or state income tax forms; or
- d) the Participant does not report the Dependent Care Service Provider's name, address, and taxpayer identification or social security number to the IRS or to the Department as provided by applicable Code requirements.

Taxpayer identification numbers will not be required for providers qualifying as tax exempt organizations under Section 501(c)(3) of the Code.

(Source: Amended at 13 Ill. Reg. 9259, effective May 31, 1989)

- 1) THE HEADING OF THE PART: North Point Marina

2) CODE CITATION: 17 Ill. Adm. Code 220

3) SECTION NUMBERS:

220.10 New Section

220.20 New Section

220.30 New Section

220.40 New Section

220.50 New Section

220.60 New Section

220.70 New Section

220.80 New Section

220.90 New Section
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1 and 4 of "AN ACT in relation to the acquisition, control, maintenance, improvement and protection of State Parks" (Ill. Rev. Stat. 1987, ch. 105, pars. 465 and 468) and by Sections 63a5, 63a15, 63a21 and 63a21.1 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 63a5, 63a15, 63a21 and 63a21.1).
- 5) EFFECTIVE DATE OF AMENDMENTS: June 6, 1989
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: May 31, 1989
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: 13 Ill. Reg. 731, January 20, 1989
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? Yes

A) Statement of Objection: May 26, 1989, 13 Ill. Reg. 8125

B) Agency Response: June 16, 1989, 13 Ill. Reg. 9409

C) Date Agency Response Submitted for Approval to JCAR: May 15, 1989
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Table of Contents, the word "Section" was removed.

In the Authority Note and in Section 220.20, the title of the Act was changed to read "AN ACT in relation to the acquisition, control, maintenance, improvement and protection of State Parks."

- In Section 220.10 "The Marina regulations" was changed to "This Part."
- Section 220.20 was changed to read "Based upon the nature of the violation (see Section 220.30(a)(10)(A)), failure to comply . . ."
- In Sections 220.30(a)(4) and (5), the comma following 220.60 was removed and "Fees and Charges" were put in parentheses.
- In Section 220.30(a)(9), following "Department" in the seventh line, "while making repairs or improvements" was added; in the eighth line following "show" - "(Recreational Basin only)" was added; and following "emergency" - "(See Section 220.80)" was added.
- In Section 220.30(a)(10)(A), the "may" was changed to "shall"; "the" was inserted prior to "provisions"; the comma in the fourth line following "permit" was removed; "including" was replaced with "such as"; following "slip fees" in the fifth line, "criminal violations which endanger life or property; or repeated violations (3 or more in one season) of this Part or 17 Ill. Adm. Code 110." was added.; and "the Marina regulations; or Departmental policies" was removed.
- In Section 220.30(a)(10)(C), "their" was changed to "his or her" and "may" was changed to "will".
- In Section 220.30(a)(11), the comma following "slip" was removed and the following new sentence was added at the end of the paragraph "Approval shall be based upon such considerations as the survivor's history of compliance with Department rules and proper utilization of the Marina facilities.
- In Section 220.30(b), "(unless prior extension has been granted by the Department)" was removed.
- In Section 220.30(c)(2)(A), "may" was changed to "will" and the following new sentence was added at the end of the paragraph: "A further extension may be granted to commercial operations upon a showing of a contract to purchase a different boat and a delivery date, not to exceed opening day of the next season."
- In Section 220.30(d)(1), the comma following "220.60" was removed and "(Fees and Charges)" was put in parentheses.
- In Section 220.30(d)(3), the comma following "220.40" was removed and "(Slip Use)" put in parentheses.
- In Section 220.30(d)(4), at the end of the paragraph the following was added ", based upon permittee's compliance with Department rules and slip availability."
- In Section 220.40(a)(1), following "M.A.O." the following language was added "permission will be based upon maximum utilization of the Marina facility resources."

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

- In Section 220.40(b)(1), the comma following "Marina" was removed.
- In Section 220.40(b)(2), at the end of the paragraph, the following was added "due to such circumstances as dry-dock time, unforeseen mechanical problems or unavailability of parts."
- In Section 220.40(b)(4), the following new sentence was added at the end of the paragraph "Permission will be based upon such considerations as age of the minor, reasons for the stay and length of the stay."
- In Section 220.40(b)(5), the following was added at the end of the paragraph ", based upon such considerations as violations of Department rules or safety."
- In Section 220.40(e), the following new sentence was added at the end of the paragraph "Such permission will be granted if the modification, based upon published marine engineering standards, is approved by the Department's chief engineer, does not create a safety hazard, does not conflict with the Department's Master Management Plan, and is not aesthetically displeasing."
- In Section 220.40(h), "boats" in the second line was changed to "permittees" and the last two sentences of this Section were removed pursuant to JCAR's objection.
- In Section 220.50(a), the comma following "thereby" as well as "and regulations" were removed.
- In Section 220.50(b)(1), "may" was changed to "will."
- In Section 220.50(b)(2), following "maintenance" in line 1, "such as tune-ups, interior cleaning and line replacement" was added; following "vessels" in line 1, "in the recreational harbor" was added; following "permission" in the ninth line, "(based upon safety)" was added; following "M.A.O." in line 13, "(see Section 220.80)" was added.

In Section 220.60(b)(1), "overall" was previously misspelled.

In Section 220.60(b)(4) and (c), the items listed should be indented to the left ½ inch.

In Section 220.60(d), "without notice" was removed.

In Section 220.70(a), a new sentence was added at the end of the paragraph "The sounding of horns as required by Marine Rules of the Road is not a violation of quiet hours."

In Section 220.70(b), a new sentence was added at the end of the paragraph "Fish cleaning is allowed aboard docked vessels in the commercial basin provided that all refuse is placed in plastic bags and deposited in designated containers."

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

- In Section 220.70(c)(3), "in accordance with the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 1-100 et seq,)" was added to the end of the paragraph.
- In Section 220.70(e), a third sentence was added "Termination shall be based upon such considerations as the nature of damages or threat to security."
- In Section 220.70(l), "(see Section 220.80)" was added following "emergency."
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These rules regarding North Point Marina are being proposed due to the imminent opening of a new facility of a type and scope never before operated or managed by any Agency of the State of Illinois.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER a: LANDS AND HISTORIC SITES

PART 220
NORTH POINT MARINA

Section

220.10 Application and Scope
220.20 Compliance
220.30 Marina Slip Acquisition
220.40 Slip Use
220.50 Vessel Condition and Movement
220.60 Fees and Charges
220.70 Other Regulations
220.80 Emergency Boarding of Vessels
220.90 Waiver of Claims

AUTHORITY: Implementing and authorized by Sections 1 and 4 of "AN ACT in relation to the acquisition, control, maintenance, improvement and protection of State Parks" (Ill. Rev. Stat. 1987, ch. 105, pars. 465 and 468) and by Sections 63a5, 63a15, 63a21 and 63a21.1 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 63a5, 63a15, 63a21 and 63a21.1).

SOURCE: Adopted at 13 Ill. Reg. 9269, effective June 6, 1989.

Section 220.10 Application and Scope

This Part shall apply to the berthing of vessels and other activities and operations within the North Point Marina.

Section 220.20 Compliance

Based upon the nature of the violation (see Section 220.30(a)(10)(A)), failure to comply with this Part may result in cancellation of the slip permit, in addition to the penalty prescribed by Section 6 of "AN ACT in relation to the acquisition, control, maintenance, improvement and protection of State Parks" (Ill. Rev. Stat. 1987, ch. 105, par. 468b).

Section 220.30 Marina Slip Acquisition

a) Permit Conditions and Procedures

- 1) All vessels assigned slips must be registered in Illinois.
- 2) No permit will be granted in the name of an organization. Permittee must be an individual, and evidence of Permittee ownership (full or partial) or control of the vessel must be presented to the Marina Administrative Office (M.A.O.).

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

- 3) No permit will be granted until the Permittee demonstrates proof of liability insurance to cover damage to the Marina, other boats or boat owners.
- 4) Permit fees will be based upon the length of the vessel and lease status (seasonal or temporary). See Section 220.60 (Fees and Charges).
- 5) Slip applications will be accepted on a "first-come, first-served" basis pursuant to position on the Applications Wait List administered by the M.A.O. A deposit must accompany the application. See Section 220.60 (Fees and Charges).
- 6) Slip renters must accept the first slip offered, regardless of location. Refusal to accept the first slip offered will result in the applicant's name being moved to the bottom of the list.
- 7) Slip transfers may be requested by slip holders only. Such requests will be maintained and serviced pursuant to a Slip Transfer Wait List administered by the M.A.O. Requests for slip transfers will be given priority over slip applications from non-tenants as slips become available.
- 8) All slip permits will be non-transferable and may not be leased or transferred to any other individual.
- 9) The Department of Conservation (Department) shall have the right to temporarily re-assign slip spaces and to move or cause to be moved any vessel so re-assigned. A Permittee, by applying for and accepting the use of a slip shall be deemed to have consented to the temporary re-assignment and movement of his or her vessel to another slip for the proper operation, maintenance, and repair of the North Point Marina; for the convenience of the Department while making repairs or improvements or for a special event such as a boat show (Recreational Basin only); and in the case of an emergency (See Section 220.80). Permittee further consents to the movement of his or her vessel by Departmental personnel. If, after notice to move the vessel is given by the Department, Permittee fails to comply with such notice, neither the Department nor any of its officials or employees shall be liable to and a Permittee waives all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel.

10) Cancellation Provisions

- A) By the Department: The Department shall cancel and terminate any permit, upon ten (10) days written notice to the Permittee for the Permittee's failure or refusal to comply with the provisions of the permit, such as nonpayment of slip

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

fees; criminal violations which endanger life or property; or repeated violations (3 or more in one season) of this Part or 17 Ill. Adm. Code 110. The Permittee shall not be due any refund of slip fees paid.

- B) By Permittee: The Permittee shall give the Marina office thirty (30) days written notice of intent to vacate. The Permittee shall not be due any refund of slip fees paid.
- C) Removal of Vessel upon Cancellation of Permit: If Permittee shall fail or refuse to remove his or her vessel from a slip or end tie by the date of cancellation of his or her permit, the Department will order and cause the vessel to be removed and stored at the Permittee's risk and expense and retake possession of the slip. Neither the Department nor any of its officials or employees shall be liable to and a Permittee waves all claims for damage to persons and property sustained by a Permittee resulting from the movement of his or her vessel pursuant to this provision.

- 11) In the event of the death of a slip holder, the surviving spouse or a child of the slip holder shall have the right of first refusal of the assignment of the slip, subject to the approval of the Department. Approval shall be based upon such considerations as the survivor's history of compliance with Department rules and proper utilization of the Marina facilities.

b) Slip Renewal Applications

Slip renewal applications must be received by the Department no later than December 31, of any given year. If the renewal application has not been received by that date the slip will be vacated.

c) Slip Vacancies

- 1) Vacancies in slips shall be filled as follows:

- A) The vacant slip will be made available to current slip holders registered on the Slip Transfer Waiting List in order of appearance.

- B) If no transfer request fills the vacancy within 30 days, the slip will be made available to individuals registered on the Applications Wait List in order of appearance.

2) Sale of Permittee's Vessel

- A) A Permittee may retain his or her designated slip for a period of thirty (30) days after transferring title or agreeing to sell

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

his or her vessel provided the Permittee shall notify the Department in writing within five (5) days of the date Permittee enters into an agreement for the sale of the vessel and his or her intent to acquire another vessel. An extension of an additional period, but not to exceed sixty (60) additional days will be granted by the Department upon submission by Permittee of proof of a contract to purchase or construct another vessel. A further extension may be granted to commercial operators upon showing of a contract to purchase a different boat and a delivery date, not to exceed opening day of the next season.

- B) Permittee shall notify the Department in writing within five (5) days of any change of ownership in his or her vessel resulting from a gift, sale, lease, withdrawal, addition, or substitution of Partners, the sale or transfer of stock in a closely held corporate owner of the vessel or a change of officers or directors of a closely held corporation owning the vessel.

d) Visiting Vessel Temporary Slip Permits

- 1) The M.A.O. may provide temporary slip permits to vessels visiting the Marina. See Section 220.60 (Fees and Charges).

- 2) No temporary permit may last longer than 15 days.

- 3) The M.A.O. may assign temporary use of an already leased slip under limited slip vacancy conditions. See Section 220.40 (Slip Use).

- 4) Temporary permits may be renewed for a like period at the discretion of the M.A.O., based upon permittee's compliance with Department rules and slip availability.

Section 220.40 Slip Use

a) Vessel Length Limitations

- 1) Vessel length (length over all - LOA) includes all appendages (swim platform, bowsprit, anchor chock, etc.). Vessels may be measured by Marina staff in the slip after occupancy. No vessel having a vessel length (LOA) exceeding 3 feet longer than the designated slip length will be permitted. Vessels with an overall length (LOA) less than 5 feet of the slip length will not be permitted without written permission of the M.A.O. Permission will be based upon maximum utilization of the Marina facility resources. Violation of this provision will result in cancellation of the slip assignment.

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

- 2) Vessel Extending Beyond Slip: A vessel shall not extend more than 3 feet beyond the end of any finger float including but not limited to the vessel's davits, booms, swingstop, bowsprit or bow pulpit.
- 3) No part of any vessel shall extend over the main walkway.

b) Vessel/Slip Occupancy

- 1) Slips shall be available for occupancy, from April 1 through October 31, weather permitting. Boats not being stored for the winter season at North Point Marina must be removed from the Marina by October 31. If boats have not been removed by October 31, the M.A.O. has the authority to remove the vessel and charge the owner for cost of removal and temporary storage fees until the vessel is removed from the site.
- 2) The assigned slip must be occupied by a vessel registered to the slip renter within 60 days after notification that the slip is available for occupancy, unless given written permission by the M.A.O. due to such circumstances as dry-dock time, unforeseen mechanical problems or unavailability of parts.
- 3) The Permittee shall notify the harbor office anytime his/her vessel will be occupied by any person other than the Permittee or his or her family.

- 4) No minors are to stay overnight on any vessel moored in the Marina without an adult present or without written permission from the M.A.O. Permission will be based upon such considerations as age of the minors, reason for the stay, and length of the stay.

- 5) Slip holders desiring to live aboard their vessel must make application with the M.A.O. at least 24 hours in advance, for liveaboard status of 14 days or more. The M.A.O. may deny or terminate any application for liveaboard status, based upon such considerations as violations of Department rules, or safety.

- 6) The M.A.O. reserves the right to use permanent slips for transient vessels. Permanent slip holders shall notify the Marina office if they expect to leave their slip unoccupied for a period of 48 hours or longer and their expected date and time of return to the Marina. Transient vessels shall use their own dock lines and shall not use those of the permanent slip holder. Owners of transient vessels must vacate the temporarily assigned permanent slip upon notification by the M.A.O. or on the return of the permanent slip holder's vessel to the Marina.

- c) Rowboat/yacht tenders; One rowboat or yacht tender owned by the Permittee and regularly used as a yacht tender may be kept in the

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

Permittee's slip. This rowboat or yacht tender shall not extend into the fairway.

- d) Storage on Docks and Fingers: Nothing shall be stored on the docks and fingers except in locker boxes provided at each slip.

- e) Dock Modification: There shall be no modification of the dock or installation of fenders, dock wheels, etc., without written permission by the M.A.O. Such permission shall be granted if the modification, based upon published marine engineering standards, is approved by the Department's chief engineer, does not create a safety hazard, does not conflict with the Department's Master Management Plan, and is not aesthetically displeasing.

- f) Steps: Any steps used for ingress and egress from a vessel shall not be wider than half the width of the finger to which the vessel is moored. These steps shall not be used as a storage locker.

- g) Drying of Laundry: Drying or airing of laundry or apparel on the dock or rigging of the vessel is not permitted.

- h) Commercial Activity: Charter boat operators will be assigned to the commercial harbor. Only permittees in the commercial harbor will be permitted to advertise on their boats. No sign of any kind will be permitted on the docks. Charter boat slip fees will be the same as that for the main harbor. Operators must have a valid charter captain's license and the required U.S. Coast Guard documentation.

Section 220.50 Vessel Condition and Movement

a) Inspections

Any individual applying for a permit or having a permit issued thereby impliedly agrees that the Department may examine his or her vessel at any time without prior notice at reasonable hours for the purpose of verifying compliance with all applicable rules.

b) Vessel Condition

- 1) Seaworthiness: Any vessel moored in the Marina shall be seaworthy at all times and be able to get underway by its own power. In the event a vessel becomes unsafe or unseaworthy, the slip permit may be revoked by the Department. The M.A.O. shall give written notice to the slip holder of those items that render the vessel unsafe or unseaworthy. The slip holder shall undertake repairs or refurbishing within twenty (20) days of receipt of notice or such permit will be revoked. Failure to comply with these provisions shall authorize the Department to have the vessel removed and to charge the removal and storage to the Permittee.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

- 2) Vessel Maintenance: Limited maintenance such as tune-ups, interior cleaning and line replacement of docked vessels in the recreational harbor is permitted during daylight hours only. Extensive repairs, such as hull repairs, engine overhauls and spray painting, must be completed outside the slip area. Such maintenance activities must not generate paint aerosols, dusts, other particles or material which will deposit upon docks, nearby vessels or other facilities; not produce odors, vapors/gases which will prove offensive or pose health, fire, or other safety hazards. The use of open flame devices (welding torches, blow torches, etc.) or electrical welders shall not be permitted without express permission (based upon safety) of the Department. Only boat repair, service or other type vendors that have been authorized by the Department shall be permitted to perform work on any vessel at the Marina. Emergency repairs may be made at a slip upon written approval of the M.A.O. (See Section 220.80). Any waste products (oil, paint, solvents, etc.) shall be disposed of only in designated areas.
- 3) Boat Mufflers: No person shall drive, operate or use any vessel, craft or float propelled by an internal combustion engine equipped with a muffling device which has been altered in any manner from the manufacturer's specifications so as to increase its emission of noise.
- 4) Sail Boat Rigging: All sail rigging shall be tied down while at the slip to insure against noise being produced by the rigging.
- 5) Wrecked or Sunken Vessels: In the event of a wrecked or sunken vessel, the Permittee is responsible for marking the accident site, raising the craft and the disposition of the vessel.
- c) Vessel Movement
- 1) Movement of vessels within the Marina shall be for the purposes of entering or leaving a slip, pump out station or fuel dock. All vessels under-way in the Marina shall be under power. Sailing within the Marina is prohibited. The use of jet skis, sail boards, or other personal watercraft within the Marina is prohibited.
- 2) Fueling: Fueling of vessels can only be done at the designated fuel dock in the Marina.
- Section 220-60 Fees and Charges**
- a) All fees and charges may be paid in the form of cash, check or money order.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

- b) Slip Rental - Seasonal
- 1) Slip rental fees will be based upon slip length or overall length of vessel (including all appendages), whichever is greater. Vessels may be measured by Marina staff in the slip after occupancy.
- 2) A (one-time) \$200 deposit must accompany the application for a slip. This deposit is non-refundable and will be applied to the first year's slip rent.
- 3) Slip rental rates are \$60.00 per foot per season for each foot of slip or each foot of vessel, whichever is greater.
- 4) Payment Schedule: Slip rental is due according to the following schedule:
- 50% by March 1
25% by May 1
25% by July 1
- 5) Rent will be pro-rated for partial season occupancy by new applicants, based on the proportion of the season remaining at time permittee is notified the slip is available. (Season shall be calculated as April 1 through October 31). Payment schedule shall conform, as nearly as possible, to the schedule set out in Section 220.60(b)(4). (Example: Permittee notified on May 15 that slip is available. Must pay 75% of pro-rated amount immediately and 25% of pro-rated amount by July 1).
- 6) Late Charges: A late charge of 5% of the amount due will be assessed per month. No boat will be allowed to occupy the assigned slip until the first payment has been made. Any slip rental payment more than 60 days in arrears will result in lease termination and boat impoundment.
- c) Slip Renting - Temporary
- Visiting vessels will be charged the following rates:
- \$15 per day for vessels 30 feet and under.
\$15 per day plus one dollar per day for each foot over 30 feet LOA.
\$10 security card deposit (refundable if turned in upon departure).
One day free for every 7 consecutive days paid.
- d) Rate Changes
- The Department of Conservation reserves the right to change rates.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

e) Utilities

Normal utility use is included in slip rental fees. Excess use (defined as consumption beyond average consumption of a similar size boat), as determined by the M.A.O., will be billed at the rate charged Conservation by the respective utilities.

Section 220.70 Other Regulations

- a) Quiet Hours: Quiet hours from 11:00 p.m. to 7:00 a.m. shall be observed in the Marina. During this period, no loud noise or instrument producing or reproducing sound shall be used in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The sounding of horns as required by Marine Rules of the Road is not a violation of quiet hours.
- b) Sanitation and Refuse: All trash must be placed in the provided dumpsters located at the head of each walkway. No sanitary or any marine discharge is allowed in the basin. Pump out stations are provided in the main basin and at the fuel dock. All trash shall be placed in plastic garbage bags prior to disposing in the dumpsters. Fish cleaning shall be done at designated areas only. Fish cleaning is allowed aboard docked vessels in the commercial basin provided that all refuse is placed in plastic bags and deposited in designated containers.

c) Motor Vehicle Traffic and Parking:

- 1) Visitors will park in the visitors lot only.
- 2) Permittee Parking: Two (2) magnetic cards which will provide access to the parking area, main headwalks and shower/restroom buildings will be issued to each Permittee. Any misuse of these cards may be cause for termination of the slip permit. There will be a \$25 charge for replacement of lost cards.
- 3) Removal of Vehicles: Any vehicle in violation of parking regulations may be towed at the expense of the vehicle owner in accordance with the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 1-100 et seq.).
- d) Bicycles and Motorcycles: No person shall roller skate, skateboard, ride bicycles or motorcycles on the docks and gangways within the Marina or upon the boardwalk.
- e) Security Gates: The security gates to the main piers are not to be blocked open at any time. Any tampering of the Marina security systems may be cause for termination of the slip permit. Termination shall be based upon such considerations as the nature of damages or threat to security.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

All persons within the secured area of the Marina shall identify themselves upon request by Marina personnel.

- f) Swimming/diving: Swimming and diving are not permitted within the protected harbor areas of the Marina.
- g) Fishing: Pole and line fishing only is permitted in designated areas on the breakwater and on vessels berthed at slips. Fishing from the breakwater shall only be on the lake side. No line shall extend into any fairway or maneuvering area. Fishing in a non-permitted area or by any non-permitted method is prohibited.
- h) Cooking: No cooking or barbecuing shall be permitted except in designated areas or on the slip holder's vessel.
- i) Lost and Found: All found items should be taken to the M.A.O.'s office.
- j) Commercial Activity: No commercial advertising or solicitation is permitted in the recreational basin. A slip holder may place a single 8½" x 11" For Sale sign within the vessel. The use of any boat as a demonstrator by a boat dealer shall be regulated by the vendor regulations which shall be published by the Department.
- k) Tampering with or boarding other vessels without permission is prohibited. Violators may be subject to prosecution.
- l) Anchoring: Except in cases of emergency (see Section 220.80), no boat shall anchor in North Point Marina waters.

Section 220.80 Emergency Boarding of Vessels

Emergency Boarding of Vessels: The Department reserves the right to board any vessel in the Marina in the case of an emergency. The Department reserves the right to determine emergency situations, based upon threat to persons or property, and the immediacy of necessary action.

Section 220.90 Waiver of Claims

The Department of Conservation is not responsible for personal injury or property damage incurred by guests, licensees, invitees or trespassers unless caused by gross negligence on the part of the Department.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Program Content and Guidelines for Division of Services for Crippled Children.

- 2) Code Citation: 89 Ill. Adm. Code 1200

- 3) Section Numbers:

1200.20
1200.30
1200.40
1200.50
1200.60
1200.70

Adopted Action:

Amendments
Amendments
Amendments
Amendments
Amendments

- 4) Statutory Authority: Implementing Section 1 of "AN ACT enabling the University of Illinois to qualify for Federal funds and aid in relation to the administration of the Division of Services for Crippled Children" (Ill. Rev. Stat. 1987, ch. 144, par. 67.1) and authorized by Section 1 of "AN ACT to provide for the organization and maintenance of the University of Illinois" (Ill. Rev. Stat. 1987, ch. 144, par. 22).

- 5) Effective Date of Amendments: June 6, 1989

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: April 11, 1989

- 9) Notice of Proposal Published in Illinois Register: December 16, 1988, 12 Ill. Reg. 20613

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference between proposal and final version:

- A) Retained last sentence in Section 1200.20 (w)(3).
B) Added words "requesting assistance" after "LRAS" in the first line of Section 1200.30(d)(2).
C) Added the following text after the words "extended supervision and/or long-term active management" in Section 1200.40(b)(10): "In determining whether an eye impairment may be responsive to a program of extended supervision and/or long-term active management, the following factors must be present: that without treatment, the condition would be expected to last at least six months; and that extended and long-term active management shall require medical supervision of at least six months."

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- D) Amended the second to last sentence of Section 1200.40(b)(10) to read:

When required as part of an approved management program not involving services or equipment prohibited by Section 1200.80(a) and approved pursuant to Sections 1200.80(b) and (c), and prescribed by the managing ophthalmologist, treatment of associated refractive errors is eligible.

- E) Updated statutory references in Authority Note, Section 1200.20(w)(1) and (2) and 1200.40 (b)(18) to the 1987 edition of the Illinois Revised Statutes.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: Amendments concerning financial criteria to require application information from only one legally responsible adult (LRA) and the addition of eye impairments as a new medically eligible condition.

- 16) Information and questions regarding these adopted amendments shall be directed to: Dr. Edward F. Lis, Director

Division of Services for Crippled Children
2040 Hill Meadows Drive, Suite A
Springfield, IL 62702-4698
Telephone: (217) 793-2340

The full text of Adopted Amendments begins on the next page:

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER X: THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOISPART 1200
PROGRAM CONTENT AND GUIDELINES FOR DIVISION
OF SERVICES FOR CRIPPLED CHILDREN

Section	Purpose and Description
1200.10	Definitions
1200.20	Eligibility: General
1200.30	Medical Eligibility
1200.40	Financial Eligibility
1200.50	Appeal Process
1200.60	Payment for Services
1200.70	Availability of Services
1200.80	Rates of Payment
1200.90	Standards for Health Care Professionals
1200.100	Standards for Health Care Facilities
1200.110	Records
1200.120	Reports
1200.130	Income Scale
APPENDIX A	Payment Scale
APPENDIX B	

AUTHORITY: Implementing Section 1 of "AN ACT enabling the University of Illinois to qualify for Federal funds and aid in relation to the administration of the Division of Services for Crippled Children" (Ill. Rev. Stat. 1987, ch. 144, par. 67.1) and authorized by Section 1 of "AN ACT to provide for the organization and maintenance of the University of Illinois" (Ill. Rev. Stat. 1987, ch. 144, par. 22).

SOURCE: Adopted at 11 Ill. Reg. 3508, effective February 10, 1987; amended at 13 Ill. Reg. 9283, effective June 6, 1989.

Section 1200.20 Definitions

- Adjusted Family Income: The amount equal to the family's Annual Gross Income as defined in Section 1200.50(d)(2) less exclusions under Section 1200.50(d)(3) and less allowable expenses as determined pursuant to Section 1200.50(d)(4).
- Advisory Board: As established in Section 67-2r of the Act, seven physicians or surgeons who advise the University of Illinois and the Division on qualifying for Federal funds, make recommendations to the University and the Division regarding the provision of services to crippled children, and consult with the Division and the University regarding general policy considerations.
- Allowable Expenses: Deductions from the gross family income as specified in Section 1200.50(d)(4).
- Amenable to Treatment: Reasonable medical certainty of long term

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

developmental improvement as determined by the treating physician.

- Annual Gross Income: The amount of a family's income determined pursuant to Section 1200.50(d)(2) and (3).
- Applicant: One applying for DSCC eligibility. The term as used in this Part refers to the child.
- Assistive Appliance: Equipment intended to support, replace or augment a dysfunctioning or non-functioning part of the body. Such appliances -- which may be mechanical, structural or electrical -- are intended to support specific rehabilitative objectives determined by the child's health care providers.
- Authorized Services: Direct medical care and related care for a Recipient Child, as more completely set forth in Section 1200.80(e) of this Part, which DSCC staff has provided for payment.
- Chronic Condition: Condition which is expected to be long lasting or to be lifelong.
- Consent: An agreement by a Legally Responsible Adult to a certain course of action involving him/herself or his/her Recipient Child. Such consent will only be valid when the consenting person:
 - has been informed by the physician(s) treating a Recipient Child of such foreseeable risks, results and alternatives to a proposed medical procedure as a reasonable medical practitioner of the same school, in the same or similar circumstances, would make known to his/her patients;
 - agrees in writing to the performance of the procedure for which consent was sought;
 - has been informed that the granting of consent is voluntary and may be revoked at any time.
- Crippled Child: An individual below the age of 21 who has a physical impairment or an organic disease, defect, or condition which may hinder the achievement of normal growth and development.
- Diagnostic Services: Those medical services which provide information necessary to determine a child's medical eligibility for participation in the DSCC treatment program, i.e., whether an Applicant has a Medically Eligible Condition. See Section 1200.40 of this Part.
- Diagnostic Services shall also include any initial interviews provided as a part of the application process.
- Emergency: A medical situation requiring immediate medical care and services to avoid loss of life, permanent loss of good health, or permanent degradation of state of health.
- Field Clinic: A community-based clinic which meets on a periodic basis for the purpose of diagnosis and treatment. Such clinics are organized and operated by DSCC and utilize DSCC approved providers.
- Financial Participation Agreement (FPA): The agreement between DSCC and the Legally Responsible Adult(s) which specifies the family's monetary obligation to pay for a specified portion of approved direct medical care and/or related care for their Recipient Child, which agreement must be signed prior to receiving DSCC benefits. This amount is determined according to the Payment Scale, Appendix B, of this Part and through the rules established in this Part.

NOTICE OF ADOPTED AMENDMENT(S)

- p) Full Financial Assistance: When DSCC pays, to the extent provided for in this Part, for all of a Recipient Child's DSCC authorized services not covered by the family's insurance. To determine eligibility see Section 1200.50 of this Part.
- q) Health Care Professional: Any individual or corporation licensed or certified to provide health care services to a patient and practicing in a commonly recognized field of knowledge. The term shall include but shall not be limited to Physicians and Other Health Care Professionals as defined in Section 1200.100(a)(3).
- r) Health Care Facility: Any Diagnostic and Treatment Facility within the contemplation of Section 1200.110(a) and any Outpatient Therapy Center within the contemplation of Section 1200.110(b) of this Part.
- s) Health Care Provider: Any Health Care Professional, Health Care Facility, or any Medical Equipment Supplier within the meaning of Section 1200.110(c) of this Part.
- t) Income: Money received by an Applicant, Recipient Child, or his family which can be applied directly to meet basic needs for food, shelter, and medical expenses. Gross income is defined at Section 1200.50(d)(2) of this Part. Adjusted income, i.e., net income, is figured by reference to Sections 1200.50(d)(3) and 1200.50(d)(4) of this Part.
- u) Income Scale: The schedule, adjusted for family size, used to determine financial eligibility.
- v) Individual Service Plan: A document describing a child's health and developmental status which serves as a basis for a plan of specific services and monitoring. The Plan is developed by the DSCC professional staff based upon the demonstrated health care needs of the child and the availability of services to meet those needs.
- w) Legally Responsible Adult (LRA): A person who is legally required to provide for and entitled to make decisions about the DSCC service Applicant or Recipient Child. This person may be a parent (biological or adoptive), or legally appointed guardian. The LRA may also be the DSCC service Applicant or Recipient Child under the following circumstances:
- 1) If he/she has been emancipated in accordance with the provisions of the "Emancipation of Mature Minors Act", (Ill. Rev. Stat. 19857, ch. 40, par. 2201, et seq. effective January 1, 1980) provided that the order of emancipation contemplates that the Applicant or Recipient Child is empowered to act in the manner required.
 - 2) If he/she is authorized to consent to health care services in accordance with "An Act AN ACT in relation to the performance of medical, dental or surgical procedures on and counseling for minors" (Ill. Rev. Stat. 19857, ch. 111, par. 4501, et seq. effective August 28, 1969).
 - 3) If he/she is over the age of 18 years and has the legal capacity to act in the manner required, provided that, if any Applicant or Recipient Child is partially or wholly financially dependent on his/her parents or guardian, the parents or guardian shall be

NOTICE OF ADOPTED AMENDMENT(S)

- considered the LRA for purposes of making financial determinations hereunder. ~~Note that there is often more than one Legally Responsible Adult in which case each must comply with DSCC financial criteria (Section 1200.50).~~ Medical consent is required from only one Legally Responsible Adult in the event that the Recipient Child or Applicant is not legally entitled to consent.
- x) Medically Eligible Condition: That medical condition which renders the child eligible for DSCC services. Specific conditions are enumerated at Section 1200.40 of this Part.
- y) Parent: The biological or adoptive parent of the Applicant or Recipient Child receiving or seeking DSCC services.
- z) Partial Financial Assistance: The amount that DSCC pays over and above the amount for which the family is obligated and over and above the amount which is covered by insurance.
- aa) Payment Scale: The schedule indicating an amount the family is expected to contribute toward the medically related costs of care for their Recipient Child during a twelve (12) month period. This contribution is required from all families who have not been categorized as fully financially eligible.
- bb) Programmatic Assistance: A process undertaken by professional staff of the Division on behalf of children with Medically Eligible Conditions, which may include procedures for evaluation of the child's condition, development of an Individual Service Plan, recommendations of health care providers and facilities, assistance in arrangement of such care, and subsequent monitoring of the status of the child and family. The level of programmatic assistance required will be based on the medical needs of the child as determined by usual and customary medical standards.
- cc) Recipient Child: A child who is currently receiving DSCC services or whose Health Care Providers are being paid, in whole or part, by DSCC.
- dd) Referral: A procedure by which any person can introduce a child to the DSCC program. See Section 1200.80(d)(6)(A) and (B) of this Part.
- ee) Reimbursement Agreement: Written agreement signed by the LRA(s) and/or attorney(s) for the LRA or eligible child specifying that any money recovered as judgment or settlement of a lawsuit or from an insurance or personal settlement arising from a claim relating to the child's medical condition for which DSCC is providing care or reimbursing Health Care Providers will be used to reimburse DSCC for its payment of the child's medical and related care costs, which funds will then be replaced into the DSCC program and used to further benefit eligible children.
- ff) Resident(s) of Illinois:
- ††) Any person living in the State of Illinois with the intent to remain in the State indefinitely. The term "living in the State of Illinois" shall be limited to all persons whose primary domicile is located within the State. Intent to remain indefinitely is established through a showing that a person has significant contacts with the State of Illinois as evidenced by

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

indicia thereof, such as maintaining a bank account in the State, registering to vote in the State, paying Illinois income taxes, obtaining permanent employment within the State, owning real estate within the State, and possessing an Illinois driver's license or similar permits; or

†† 2) Any person who is present in the State of Illinois for the purpose of performing migrant agricultural labor and who evidenced a pattern of regularly returning to the State to perform such work or who expresses an intention to establish a pattern of regularly returning to the State to perform such work. Migrant agricultural labor is defined as agricultural work of a seasonal or temporary nature which requires that the worker be away from his/her permanent place of residence to perform said work more than overnight. A pattern of regularly returning to the State to perform such work shall be considered to have been established if a person is present in the State of Illinois to perform migrant agricultural work for two successive growing seasons.

gg) Retroactive Authorization: Authorizations which occur, under specified circumstances, after medical service has been provided to a Recipient Child. See Section 1200.80(b)(3) for enumeration of the circumstances in which this will be considered.

hh) Retroactive Financial Eligibility: Financial eligibility which reaches back no more than 30 days prior to the date of referral or application (whichever is earlier) in certain specified circumstances. See Section 1200.50(c)(8)(C) for enumeration of these circumstances.

(Source: Amended at 13 Ill. Reg. 9283, effective June 6, 1989.)

Section 1200.30 Eligibility: General

a) Program Purpose

The purpose of the Illinois Division of Services for Crippled Children is to provide diagnostic and treatment services for children who are crippled as a result of congenital and/or acquired crippling or disease states or have a condition which may lead to crippling impairment. The objective is to provide a program of comprehensive evaluation, medical care and related rehabilitative services appropriate to their various needs and to financially support such care to the extent that their Legally Responsible Adults (LRAs) require such financial assistance as determined by the Financial Eligibility Criteria (Section 1200.50 of this Part). Children who are eligible for Programmatic Assistance only will be served without regard to a financial means test. Due to financial limitations, DSCC will only provide assistance to children with certain categories of crippling conditions as defined in Section 1200.40 of this Part.

b) Eligibility Criteria for Diagnostic Services

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

1) Initial diagnostic services are provided without regard to ability to pay to the extent medically necessary applying usual and customary medical standards to determine whether the child has one of the conditions enumerated in Section 1200.40, Medically Eligible Conditions. Whenever eligibility or ineligibility is established based upon an interview with the child or the LRA, which occurs when a diagnosis has already been established, DSCC shall not be required to provide further initial medical diagnostic services.

2) Children may be but need not be referred for said services by an individual or agency.

c) Eligibility Criteria for Other DSCC Services

1) Programmatic Assistance

To be eligible for Programmatic Assistance a child must meet the following requirements:

A) Be under 21 years of age (except that DSCC shall provide services beyond the child's 21st birthday when necessary to complete a treatment plan developed before that time if cessation of treatment would cause an immediate threat to or damage to the child's life or good health or would negate gains resulting from previous rehabilitative efforts. In no event may said extension continue beyond six months after the child's 21st birthday);

B) Be a Resident of Illinois;

C) Have a Medically Eligible Condition.

2) Treatment Services and Financial Support

It is recognized that it is the duty and responsibility of the LRAs to pay for necessary health care services for their children. DSCC will assist the LRA with this responsibility for each child meeting the criteria of Section 1200.30(c) of this Part by providing treatment services and financial assistance, provided the LRAs are Residents of Illinois, and provided:

A) The LRAs are lawfully admitted to the United States on a visa or permit which contemplates that the LRA will be entitled to legally remain in the United States for as long as is necessary to complete the Individual Service Plan established for the child; or

B) The child afordescribed is a United States citizen.

3) In addition, whenever payment for treatment services or financial support is desired, each the LRA must:

A) Meet the financial eligibility criteria set forth at Section 1200.50 of this Part;

B) Utilize insurance benefits, if any, as well as any other form of payment, (such as trust funds, gifts, or fund raising drives) available for the child and/or make the payments toward the support of the child's treatment as are determined by his or her FPA;

C) Sign a Reimbursement Agreement, if the injuries for which treatment is sought were caused by any alleged negligent act

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

(including products liability) and litigation is pending or contemplated.

- D) Further, any attorney retained to represent the child on any claim relating to the child's medical condition for which DSCC will provide care must separately sign the Reimbursement Agreement. Failure to comply with this requirement will not, however, delay or hinder the application process.

d) Application Process: Initial and Continuing Eligibility

- 1) No person participating in or wishing to participate in the Division's programs shall be denied benefits of the program or shall be discriminated against on the basis of sex, religion, race, color, national origin or handicap not related to program eligibility.

- 2) General responsibilities of Applicants, Recipient Children, and LRAs:

A) Each Applicants and LRAs requesting assistance shall furnish requested factual information regarding eligibility and shall keep DSCC informed of any changes in financial status (defined as any change in financial circumstances which would affect financial eligibility for DSCC benefits as set forth in Section 1200.50 including, but not limited to changes in family size, income, or expenses) within fourteen (14) days of such change.

B) The application process requires consent by the LRA(s) to release or to verify medical data and financial information provided as a part of the application process.

- 3) An LRA shall complete and sign a written application on behalf of the Applicant on forms specified by DSCC. Such application shall inform the Applicant of all relevant time deadlines with respect to filing of an application and appealing any adverse decision. An LRA may choose a person to assist in completing the application. A representative of a public agency may complete and sign the application for a child in that agency's custody. A representative of a private agency may complete and sign the application for a child if it he/she is the authorized guardian for the child.

- 4) A completed application must be submitted to DSCC within the following time periods:

A) In the case of self referral or referral by a medical provider or other agency, an application for initial eligibility must be received by DSCC within 21 days from the date which it is originally sent to the LRA by DSCC. Applications not received within said 21-day period shall not be considered for reimbursement for treatment services rendered at the time of referral to DSCC but shall be processed for reimbursement of treatment services provided no more than 30 days prior to the actual date of receipt. This time period shall be adjusted by DSCC for good cause if

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

DSCC is notified of the circumstances within the 21 day time period (for purposes of this clause, "good cause" shall include, but shall not be limited to, a family emergency, demonstrated delays caused by the U.S. Postal Service, and demonstrated delays caused by the Internal Revenue Service in providing a copy of an income tax return).

- B) Applications for continuing financial eligibility shall be submitted to DSCC within 21 days of the date which they are originally sent to the LRA by DSCC. If an application is submitted after said time period, continuing eligibility shall recommence no more than thirty (30) days prior to the date the application is actually received by DSCC.

- 5) If financial support is desired, the LRAs shall complete and sign a financial application on behalf of the Applicant on forms specified by DSCC, which shall be submitted within the time periods specified in Section 1200.30(d)(3).

A) Such statement shall include a copy of the LRA's most recent federal income tax returns. If an LRA is not required to file with the Internal Revenue Service, verification of income must be submitted.

B) DSCC shall accept other supporting documents from the LRA to verify level of income if DSCC determines that the documents provided prove the information sought and if the LRA has demonstrated diligence in attempting to obtain federal tax returns or pay stubs but has been unsuccessful in doing so.

- 6) If financial support is not desired, no financial application is required. Applicants with a Medically Eligible Condition who either do not desire or do not qualify for DSCC financial support shall be eligible for Programmatic Assistance.

7) Determination of eligibility is performed at the regional offices. (See 2 Ill. Adm. Code 5155. Appendix A.)

A) The DSCC staff shall verify the information provided on behalf of the Applicant. This will include discussion, including an interview with the LRAs, if the application is not complete. The interview shall be conducted at a place and time convenient to all parties.

B) If supplemental information required by DSCC to determine eligibility is not provided within fourteen (14) days after the LRA receives notice of a requirement that said information is needed to complete this application, DSCC shall then advise the LRAs that the application will be invalidated and not given further consideration unless the LRA was precluded, due to causes beyond his/her control, from providing the information required.

C) A written decision regarding eligibility shall be sent to the LRAs and any referring medical care provider or referring agency within thirty (30) days of receipt of the completed application unless the emergent nature of the child's condition requires a decision in a more timely

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

fashion.

(Source: Amended at 13 Ill. Reg. 9283, effective June 6, 1989)

Section 1200.40 Medical Eligibility

a) Eligible Medical Conditions

1) Within the resources available, the Division of Services for Crippled Children has determined that it can best serve children who: have crippling impairments that are expected to be chronic; involve multiple physical defects/disabilities/handicaps; are amenable to treatment as determined by the treating physician; and have a need for long-term highly specialized medical care including, as necessary, related habilitative services.

2) Currently, DSCC serves children whose crippling impairments are enumerated in the list which follows. These conditions were determined as covered by the Director, in consultation with and upon advice of the Advisory Board.

b) Medically Eligible Conditions

1) ORTHOPEDIC IMPAIRMENTS which are defined as those affecting bone, joint or muscle are eligible. Such impairments may be of congenital origin, or may be manifestations of an active chronic disease, or may represent a persisting result of previous infection, trauma, toxicity, disease or malignancy, which are determined to be chronic orthopedic impairments amenable to treatment requiring long-term management involving specialist care and required related habilitative or rehabilitative services.

2) NERVOUS SYSTEM IMPAIRMENTS which are defined as those affecting the brain, spinal cord or peripheral nerves, and present as physical disabilities are eligible. Such impairments may be of congenital origin, or may be manifestations of an active chronic disease, or may represent a persisting result of previous infection, trauma, toxicity, disease or malignancy, which are determined to be chronic neurologic impairments responsive to medical treatment requiring long-term management involving specialist care and required related habilitative services. Children in a chronic vegetative state would be eligible upon medically determined emergence of recovery and sufficient health stability for a program of active habilitation to be instituted (for purposes of this clause, a chronic vegetative state is defined as a condition in which a child displays no evidence of progressive positive developmental or neurological improvement, as determined by usual and customary medical standards).

3) CARDIOVASCULAR IMPAIRMENTS which are defined as primarily affecting the heart and the larger blood vessels are eligible. Such impairments may be of congenital or acquired origin, the latter representing a persisting result of previous infection,

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

trauma, toxicity or disease or malignancy, and which are determined to be a chronic cardiovascular impairment and responsive to treatment requiring multispecialist intervention and a program of extended supervision and/or long-term active management, specialized medical care and such related habilitation services as may be necessary. Children with a disease or past infection known to primarily affect the heart which predispose to chronic heart impairment and which requires specialist management to minimize or preclude such impairment would be eligible.

4) EXTERNAL BODY IMPAIRMENTS, including the oral and nasal structures with their extension into the mouth, pharynx, larynx, major bronchi and esophageal structures, defined as significant defects affecting the skin and/or its underlying structures of the defects of the mucosa and/or its underlying structures of the above internal parts which may affect breathing, speech and eating. Such impairments must be determined to be beyond the normal range of acceptable external appearances or adequate function, as determined by a medical specialist, responsive to specialist(s) intervention and a program of long-term management with related habilitation services or subject to correction which would preclude chronic physical or functional impairment, and may be of congenital origin, or may be manifestations of an active chronic disease, or may represent a persisting result of previous infection, disease, trauma, toxicity or malignancy. External body defects to be considered as beyond the normal range of accepted appearance are those defects considered to be major in the customary characterization of congenital defects or, if acquired, to be defects which fall outside of acceptable appearance as defined by the Division in consultation with its advisers. Defects of dentition and occlusion associated with severe oro-craniofacial structural deformities or if causative to impairment of intelligible speech are included.

5) HEARING IMPAIRMENTS which are defined as a loss of hearing or deafness of at least 30 decibels in two frequencies or a 35 decibel loss in one speech frequency involving one or both ears, as determined by audiometric testing are eligible. Such hearing loss may be of congenital origin, or may be a manifestation of an active chronic disease, or may represent a persisting result of previous infection, trauma, toxicity, disease or malignancy and which are determined to be chronic hearing impairments responsive to treatment requiring otological intervention and a program of extended supervision and/or long-term active management. Children with middle ear infection and/or middle ear effusion persisting for longer than three months and who have received medical treatment are eligible for special medical and hearing assessment and evaluation of communicative skills. If a hearing impairment is defined, otologic treatment, monitoring of communicative skills and provision of hearing aids shall be provided if determined medically necessary in accordance with

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

- usual and customary standards. Children considered to be profoundly deaf and not amenable to otologic intervention and/or hearing aids, as determined through the application of usual and customary medical standards, shall be eligible for assistance to enhance the communication skills of the child (and family) if such assistance is not available from other agencies or sources.
- 6) SPEECH IMPAIRMENTS which are defined as an impairment of intelligibility arising from any structural defect of the organs responsible for vocalization or neurological defects specific to orderly speech development are eligible. Such speech impairments may be of congenital origin, or may be manifestations of an active chronic disease, or represent a persisting result of previous infection, trauma, disease or malignancy determined to be responsible for the chronic speech impairment which is responsive to medical treatment requiring long-term management involving specialist care and related rehabilitative services and equipment. Developmental language deficits are not eligible (for purposes of this clause, a developmental language deficit is defined as a condition, as determined by the application of usual and customary medical standards, that can be expected to correct itself with maturation or with such therapy as is generally available through the public school system).
- 7) CYSTIC FIBROSIS. Children with cystic fibrosis are eligible if they manifest symptoms amenable to specialized medical care and long-term management by a team of specialists organized for this purpose.

- 8) HEMOPHILIA and similar genetic disorders of coagulation are eligible. Eligibility for services shall be established in accordance with Rules of the Illinois Department of Public Health under "An Act AN ACT establishing in the Illinois Department of Public Health a program for the care of persons suffering from hemophilia, establishing a Hemophilia Advisory Committee and designating powers and duties in relation thereto" (Ill. Rev. Stat. 1985, ch. 111 1/2, pars. 29017 et seq. effective-September 27-1977) and Rules promulgated thereunder, 77 Ill. Adm. Code 705. Eligible persons shall receive such services as may be provided by the Illinois Department of Public Health in accordance with the rules aforescribed. DSCC shall provide children case management and financial support of hospitalization, outpatient care and such additional services as may be required for specialized medical and related rehabilitative services, including home management, except that a Recipient Child not eligible for services from the Illinois Department of Public Health as provided above shall receive required services through the Division.

- 9) INBORN ERRORS OF METABOLISM which are defined as those conditions leading to severe neurological, mental and physical deterioration for which there are acceptable treatments which, when promptly instituted, would preclude or significantly minimize the adverse

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

- effects of the metabolic defect are eligible.
- 10) EYE IMPAIRMENTS which are defined as those affecting the eye and/or eye muscles, but excluding isolated refractive errors, are eligible. Such impairments must lead to or cause a significant risk of loss of vision and be chronic impairments which are determined to be responsive to treatment requiring ophthalmologic, medical or surgical, intervention and a program of extended supervision and/or long-term active management. In determining whether an eye impairment may be responsive to a program of extended supervision and/or long-term active management, the following factors must be present: that without treatment, the condition would be expected to last at least six months; and that extended and long-term active management shall require medical supervision of at least six months. Such impairments may be of congenital origin, or may be a manifestation of an active chronic disease, or may represent a persisting result of previous infection, trauma, toxicity or disease. When required as part of an approved management program not involving services or equipment prohibited by Section 1200.80(a) and approved pursuant to Sections 1200.80(b) and (c), and prescribed by the managing ophthalmologist, treatment of associated refractive errors is eligible. Children considered to be blind and not amenable to ophthalmologic intervention, as determined through the application of usual and customary medical standards, are not eligible.

- c) Health care services defined as "well child care," routine medical and dental treatment, medical care of acute childhood illnesses (defined as diseases which are not normally chronically disabling and which are not unusual in the course of a child's maturation) or trauma or short-term complications related thereto, are not provided by DSCC.
- d) Health care services for children whose crippling impairment is considered to be "acute" as an immediate associated consequence of infection, trauma, disease, toxicity or malignancy, would be considered eligible after completion of medical treatment of such acute condition and determination of a resulting crippling impairment.
- e) Care Beyond Medical Eligible Conditions
- Children with the chronic crippling impairments which are defined in this Section as Medically Eligible Conditions may have associated health impairments which, as isolated health impairments, would not be considered as medically eligible for DSCC services. However, in order to achieve a realistic habilitation goal, if medically recommended, the services required to treat such associated health impairments will be provided to Recipient Children, except those related to a malignancy or to a chronic vegetative state. Treatment of such associated health impairments must relate to the Medically Eligible Condition and will continue to be provided only so long as the Recipient Child has a Medically Eligible Condition which is under continuing and active medical treatment. Further, if at any time, one of these other than Medically Eligible Conditions becomes the

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

Recipient Child's primary health problem, as defined by the Recipient Child's attending physician, these additional services will be discontinued.

(Source: Amended at 13 Ill. Reg. 9283, effective June 6, 1989)

Section 1200.50 Financial Eligibility

a) LRAs have The LRA has an obligation to meet the cost of medical care for their his/her Recipient Child to the extent they are able. Full or partial financial assistance, in the form described in Section 1200.90 of this part, is provided to LRAs who are unable to meet such expenses from their own resources as established through a Financial Need Determination performed pursuant to criteria established in Section 1200.50(c) and (d).

b) Exceptions to Financial Need Determination

1) DSCC provides diagnostic services necessary to determine medical eligibility without regard to the economic status of an Applicant's LRAs.

2) Financial information is not required from LRAs when:

- A) medical eligibility is uncertain;
- B) no expenditure of DSCC funds is anticipated;
- C) the child is a ward of the state agency;
- D) the child has been determined eligible for services being provided by or reimbursed by a state agency using criteria the same as, or more stringent than, DSCC.

c) Criteria for Financial Assistance

1) Financial eligibility is based upon the financial status of the LRAs LRA requesting financial assistance. If the Applicant or Recipient Child has more than one LRA--and--those--LRAs--are--not living--together--in--the--same--household--each--LRA--must--submit--the required--financial--data--Separate--determinations--shall--be--made based--upon--the--financial--data--from--each--LRA--The--amount--of financial--assistance--will--be--the--lesser--of--the--determinations in--cases--where--BSEC--is--unable--to--obtain--any--financial--information from--the--noncustodial--LRA--and--that--LRA--is--not--providing--any financial--support--to--the--custodial--LRA--or--child--BSEC--will--base its--determination--of--financial--eligibility--on--the--Adjusted-Family income--of--the--available--LRA--

2) The Income Scale (Appendix A) and the Payment Scale (Appendix B) are used to determine financial eligibility. The Income Scale represents 65% of the gross median family income adjusted for family size as developed for the State of Illinois by the U.S. Department of Health and Human Services, Social Security Administration, Office of Family Affairs. Although this scale is derived from gross income figures, for purposes of financial eligibility, a family is placed on the scale according to its Adjusted Family Income and family size.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

3) 4) Full financial assistance is provided when the Adjusted Family Income considering family size is equal to or less than that which is allowable in accordance with the Income Scale. The LRA and attorney must submit a Reimbursement Agreement, if applicable, as provided in Section 1200.30(c)(3)(C).

4) 5) Partial financial assistance is provided when the Adjusted Family Income considering family size exceeds the amount allowable on the Income Scale, subject to the following conditions:

A) A determination that the annual family payment as established in the Payment Scale is less than the anticipated cost of services for the proposed period of eligibility;

B) Completion of a Financial Participation Agreement (FPA) by the LRAs. An FPA will be required whenever the LRAs of a Recipient Child are eligible for partial financial assistance. The FPA shall be signed and returned to DSCC within fourteen (14) days of its receipt by the LRAs.

i) The FPA obligates an LRA to pay for DSCC approved care for the Recipient Child. The amount will be equal to the annual family payment described by the Payment Scale. DSCC will use this money to pay for the child's direct and related care.

ii) Payments toward the obligations contained in the FPA may be made by the LRA(s) directly to the vendor(s) providing specialized care for the Recipient Child if agreed to by DSCC. The LRA shall retain receipts to verify such payments.

iii) The FPA shall cover all Recipient Children in one family.

C) Submission of a Reimbursement Agreement by the LRAs and attorney(s), as provided in Section 1200.30(c)(3)(C), if applicable.

D) Adjustments to the annual family payment shall be made by DSCC if there is evidence in the application or through additional information that indicates the LRAs have the ability to assume cost-sharing beyond the amount previously indicated based upon application of the financial eligibility criteria in this Section 1200.50.

5) 6) The LRA shall be determined ineligible for financial assistance from DSCC when:

A) It is determined that the Adjusted Family Income is in excess of \$10,499 of that which is allowable in accordance with Appendix A, the Income Scale.

B) It is determined that the LRAs's annual family payment would exceed the anticipated costs of care after application of all medical insurance benefits.

C) An LRA has failed within the time periods established in Section 1200.30(d) to provide sufficient information to

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

determine eligibility. In such instances, eligibility shall commence 30 days prior to the date of receipt of such information necessary to establish eligibility.

- D) An LRA has failed within the time period established in Section 1200.30(d) to complete and sign the application (including the financial application), the Reimbursement Agreement (Section 1200.30(c)(3)(c)), if applicable, and an FPA, if applicable (Section 1200.50(c)). In such instances, eligibility shall commence 30 days prior to the date of receipt of the signed application, and/or Reimbursement Agreement, and/or FPA.

- E) The family is enrolled in a Health Maintenance Organization (HMO) which has responsibility for provision of medical care for the Applicant or Recipient Child and the HMO is equipped and qualified to provide the necessary care.

- F) In addition, the LRAs shall lose their financial assistance if:

- i) Medical insurance payments or other forms of payment available or paid directly to the LRA to meet the cost of care for the Recipient Child have not been applied to the cost of care arranged, authorized, and paid by DSCC for that child. In such instances, eligibility shall be reinstated upon reaching an agreement for repayment to a medical care provider or to DSCC of an amount equal to the medical insurance payments made available but not applied toward the child's cost of care.

- ii) An LRA has not complied with the payment schedule established in the FPA with DSCC. In such instances, eligibility shall be reinstated once the LRA has demonstrated that he/she has complied with the FPA by making the required payments.

- 6) LRAs determined to be wholly or partially ineligible shall be advised of the right to appeal the determination in accordance with the procedures as set forth in Section 1200.60.

7) 07 Period of Financial Eligibility

- A) Financial eligibility shall be established for a 12-month period commencing on the first day of the month of referral or application, whichever is earlier. For purposes of this section, referral shall be defined as a first contact made with a DSCC intake worker.

- B) Financial eligibility shall be redetermined annually on the date established at subsection (8)(A) above.

- C) Financial eligibility ordinarily begins at the date of referral or application for DSCC assistance unless circumstances beyond the control of the child and the LRA precluded timely application or referral. If DSCC, after its own investigation, determines that such circumstances exist, eligibility shall commence thirty (30) days prior to

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

the date of referral or application to DSCC, whichever is earlier. Only such care or services which would have been approved as meeting DSCC standards of care, as set forth in this Part, for the child shall be considered for this period of retroactive eligibility.

- D) The period of financial eligibility may be less than 12 months under the following circumstances:

- i) DSCC eligibility was based upon eligibility with the Illinois Department of Public Aid and such eligibility has been cancelled. Eligibility for DSCC benefits shall be cancelled at the same time that IDPA eligibility is cancelled. The LRAs must reapply by submitting the same financial information as is required of all applicants.

- ii) The Recipient Child, at the time of financial evaluation, was a ward of an agency or court because adoption had not been finalized, and the adoption is finalized. DSCC eligibility shall terminate on the effective date of the finalization of the adoption.

- iii) Supplemental information submitted pursuant to Section 1200.30(d)(2)(A) of this Part causes a change in financial eligibility.

- iv) Verification of income is from sources which are more than 12 months old at time of submission. In such event, DSCC shall establish a period of eligibility of sufficient duration to permit the applicant to submit information with respect to income from sources which are less than 12 months old.

- E) In the event that an LRA submits information, at any time, which, upon verification by DSCC, establishes that the LRA is eligible for financial assistance at a level in excess of that previously approved by DSCC, a new one year period of eligibility shall begin fifteen (15) days after said information is submitted, provided that the LRA has signed a revised FPA, if one is required pursuant to Section subsection 1200-50(c)(5)(B).

d) Financial Determination Calculations

- 1) Family Size

- A) Family size shall be determined by the sum of the number of persons in each of the following categories when they share the same household. However, if a person falls into more than one category, that person shall be counted only once:

- i) The Applicant or Recipient Child;
- ii) The Applicant or Recipient Child's spouse;
- iii) An LRA and his/her spouse;
- iv) Other persons who, for Federal Income Tax purposes, are deemed dependents of an LRA.

- 2) The family's Annual Gross Income shall be the sum of the Annual Gross Income of persons comprising the family unit, as determined

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

above but excluding income of dependent children. Annual Gross Income includes:

- A) Wages, salaries, bonuses, other earnings, and tips;
- B) All interest and dividends from financial institutions and investments and from stocks and bonds;
- C) Alimony, child support payments received;
- D) Income from pensions, annuities, and other retirement fund sources;
- E) Income from Social Security;
- F) Unemployment compensation;
- G) Workers' compensation;
- H) Disability/sick leave payments;
- I) Income from rents, royalties, partnerships, estates, trusts, corporations, farms, and businesses after expenses to produce such income are deducted. Depreciation and/or depletion allowances except on real estate may be deducted from said income.
- J) Capital gains. All capital gains shall be treated as ordinary income for purposes of determining a family's Annual Gross Income except capital gains realized from the sale of a family residence which shall be excluded in its entirety;
- K) All supplemental gains income;
- L) All other earned and unearned income which may be applied toward the cost of care for the Applicant or Recipient Child.

- 3) Income from the following sources shall be excluded for purposes of determining financial eligibility:

- A) The income of dependents (other than the Applicant or Recipient Child and his/her spouse) under the age of 21;
- B) Irregular income of not more than \$150 quarterly;
- C) Scholarships, grants, or loans to a student for educational purposes;
- D) The value of coupons or other subsidies provided low income families by a governmental organization or program;
- E) Lump sum payments from insurance received due to the death of an LRA;
- F) Money borrowed;
- G) Funds held in a trust which are legally unavailable for payment of the Applicant's or Recipient Child's medical expenses.

- 4) The following are allowable expenses which the family may deduct from their Annual Gross Income in determining financial eligibility:

- A) Payment of support for non-dependent children not to exceed \$1,000 per child/per year;
- B) Child care costs that enable an LRA to maintain employment;
- C) Expenses which enable an LRA to maintain employment not to exceed \$50 per month for each employed LRA;

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

- D) Medical/health insurance premiums;
- E) Expenses not recoverable through any insurance plan, or other third-party payors including donated funds as follows:
 - i) Medical and medically related expenses including dental expenses of the Applicant or Recipient Child;
 - ii) The amount of medical and dental expenses paid for members of the family other than the Applicant or Recipient Child which is in excess of 2.5% of the family Annual Gross Income;
 - iii) The amount of any loss caused by fire, flood, other natural disasters, theft, or vandalism which is in excess of \$1,000.

(Source: Amended at 13 Ill. Reg. 9283, effective June 6, 1989)

Section 1200.60 Appeal Process

- a) Notice of Determination

- 1) Except as otherwise provided in these Rules, the Division shall notify the Applicant's LRAs in writing within thirty (30) days of the receipt of the completed application that the Division has determined that the Applicant is eligible or ineligible, and the amount, if any, of the LRAs' required financial contribution to the cost of the Applicant's medical care. If the Applicant or LRA is determined to be ineligible, the Notice of Determination shall state the reasons for said determination.

- 2) In the event that DSCC has requested additional information in order to determine eligibility, including continuing eligibility, or has requested the LRA to sign a Reimbursement Agreement or an FPA and the request has not been complied with within the time period set forth in Section 1200.50, DSCC shall notify the LRAs that the application shall be considered inactive and provide the reasons therefor.

- 3) The Division shall notify a Recipient Child's LRA in writing of any action which the Division intends to take which adversely affects the LRA's financial eligibility including, but not limited to, termination or increase in the amount of the LRAs' required financial contribution to the cost of the Recipient Child's medical care. This written notification shall provide specific reasons for the action being taken. This written notification shall be sent to the Recipient Child's LRA at least thirty (30) days prior to the effective date of the proposed action.

- 4) A copy of this Section shall be sent with each Notice of Determination provided pursuant to Subsection (1)-(3) immediately above.

- 5) The Notice of Determination described at subsection (1)-(3)

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

immediately above and all further written notices which bear on it shall be sent by certified or registered mail to the LRA at his/her last known address. If the Applicant or Recipient Child has a designated representative, a copy of all written notices will also be sent to that designated representative.

- b) Right to Reapply
 - 1) If the Applicant or Recipient Child's LRAs--have has been determined to be ineligible, they may reapply at any time they believe they have become eligible.
 - 2) If the Recipient Child's financial eligibility has been reduced or has been set at a level less than full financial assistance, the LRAs may submit additional financial information at any time their financial situation changes.
- c) Right to Meeting and Appeal Conference
 - 1) The Applicant or Recipient Child's LRAs, or designated representative, has a right to a meeting with the DSCC staff person responsible for a decision reflected in any Notice of Determination issued pursuant to §200-60 subsection (a)(1)-(3).
 - A) The request for such a meeting must be made in writing.
 - B) The request must be made within 14 days of receipt of said Notice of Determination.
 - C) DSCC shall contact the requester within five (5) days of receipt of the request in order to schedule a meeting date, time and place.
 - D) Within seven (7) days after the meeting, DSCC shall notify the Applicant or Recipient Child's LRA of the result of the meeting. Such notification shall be in the manner set forth at § subsection (a)(5) immediately above and shall state the reasons for the decision made.
- 2) The Applicant or Recipient Child's LRAs, or designated representative, have has a right to appeal the results of meeting decision to the Director in a conference with the Director or his/her designee held for that purpose. The Director shall not take part in any original decision or any initial meeting held under Section subsection §200-60(c)(1).
 - A) The request for such an appeal conference must be made in writing.
 - B) The request must be made within 14 days of receipt of notification of result of the subpart subsection (c)(1) meeting.
 - C) DSCC shall contact the requester within five (5) days of receipt of the request in order to schedule a meeting date, time and place.
 - D) The Director or his/her designee shall consider the decision issued pursuant to Section-§200-60 subsection (c)(1)(D), any written material presented at the meeting provided for in Section-§200-60 subsection (c)(1)(D), any evidence presented at the conference, and all other information which the Director or his/her designee obtains through an independent

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

investigation of the issues raised by the appeal.
E) Within seven (7) days after the appeal conference, DSCC shall notify the Applicant or Recipient Child's LRAs of the result of the appeal conference. Such notification shall be in the manner set forth at § subsection (a)(5) above and shall state the reasons for the decision made.

F) The decision rendered by the Director or his designee is final.

- d) Procedural Rights at Meeting and Conference

The Applicant or Recipient Child's LRAs, or designated representative, have has the following rights:

 - 1) The right at any time to inspect and copy the contents of the Applicant or Recipient Child's case file and any other documents used by DSCC in making its determination or proposing its action; and
 - 2) The right to appear on their own behalf and/or to be represented, advised and/or accompanied by a relative, friend, lawyer or advocate; and
 - 3) The right to present relevant information, witnesses and evidence in any form; and
 - 4) The right to ask questions of the Division staff present.
- e) DSCC may deny or dismiss a meeting or appeal conference if:
 - 1) The Applicant or Recipient Child's LRAs, or designated representative, withdraws the request for the meeting or appeal conference in writing; or
 - 2) The Applicant or Recipient Child's LRA, or designated representative, fails without good cause (defined as any reason which a prudent person would deem to be an adequate and complete excuse for failure to act, such as emergencies and family deaths) to appear at the scheduled meeting or appeal conference.
- f) Benefits While Awaiting Decision
 - 1) LRAs of Applicants who are denied financial assistance benefits may appeal the denial but shall not receive any financial benefits in behalf of the Applicant while awaiting the meeting or appeal conference.
 - 2) LRAs of Applicants who are granted less than full financial assistance may appeal the decision but the LRA in behalf of the Applicant shall only receive such partial financial assistance as originally determined while awaiting the outcome of said meeting or appeal conference.
 - 3) An LRA who is notified of a termination or reduction of financial assistance benefits shall continue at his/her prior level of financial assistance while awaiting the meeting or appeal conference, provided that the LRA requests said meeting and appeal conference within the time limits designated in Section §200-60 subsection (c)(1)(b) and (c)(2)(B).
- g) Effective Dates of DSCC Decisions
 - 1) If the decision of a meeting or appeal conference is in favor of an applicant's LRA, the financial assistance benefits determined

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

appropriate as a result of the appeal shall be effective from the date of the initial application or referral, whichever is earlier.

- 2) If a Recipient Child's LRA does not appeal, a Notice of Determination of termination or reduction of DSCC benefits, the effective date thereof shall be as provided for in Section 1200-60 subsection (a)(3).
- 3) If a Recipient Child's LRA appeals a Notice of Determination of termination or reduction of DSCC benefits, no such termination or reduction shall be effective until ten (10) days after all appeal rights have been waived or exhausted.
- 4) Notwithstanding anything to the contrary contained herein, if Notice is sent to an LRA pursuant to Section 1200-60 subsection (a)(3) of this Part, based upon a failure of the LRA to comply with the requirements of Section 1200.30(d)(1)(A) of this Part (relating to reporting of changes in financial condition or family size), and if DSCC determines to act in reducing or terminating LRA financial benefits to the extent such is permitted to it hereunder, after all LRA rights to appeal have been exhausted or waived, then said action shall be deemed to be effective on the forty-fifth day after the unreported change in family circumstances occurred, regardless of when the notice provided for in Section 1200-60 subsection (a)(3) is actually sent to the LRA. Nothing contained in this Part shall be construed as reducing any rights of the LRA to object to any proposed DSCC action or as may be otherwise provided in this Part and no DSCC action shall be final unless and until all such rights have been exhausted or waived.

(Source: Amended at 13 Ill. Reg. 9283, effective June 6, 1989)

Section 1200.70 Payment for Services

- a) With respect to Medicaid, Medicare, any medical insurance plan or policy or other third-party payers, unless prohibited by law, DSCC shall be deemed the payer of last resort. Nothing contained in these regulations shall authorize or require DSCC to provide payment for medical services, hospital services, supplies or appliances which would otherwise be paid by Medicaid, Medicare, any medical insurance plan or policy or other third-party payers, including donated funds and such other funds available for medical care derived from settlement of injury claims.
- b) Payments for services are subject to the availability of funds as determined by the University of Illinois in its sole discretion.
 - 1) If DSCC determines, based upon its own internal auditing and record keeping systems, at any time, that it does not have or will not have sufficient funds to provide payments for authorized services for additional Applicants, DSCC shall:

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

- A) Cease accepting applications.
 - B) Post notices in conspicuous places in DSCC offices and clinics and in other places where such notices are likely to be seen by Applicants. The notices shall state that DSCC is no longer accepting applications because of insufficient funds, and shall state the probable date on which DSCC shall again accept applications. Notices will also be posted in a like manner when funding again becomes available.
 - C) DSCC employees shall inform clinic patients and other persons that DSCC is no longer accepting applications because of insufficient funds, and shall inform such persons of the probable date on which the Division shall again accept applications.
 - D) Cease authorizing additional health care services for Recipient Children whose LRAs are eligible for DSCC financial assistance.
- 2) If DSCC determines, based upon its own internal auditing and record keeping systems, at any time that it does not have or will not have sufficient funds to provide payments for authorized services for Applicants who have applied, but with respect to whom no determination of eligibility has been made, DSCC shall nevertheless finish processing those applications and determine the eligibility or ineligibility of each such Applicant and their his/her LRAs for use in the event that additional funds become available. In such event, the LRAs of eligible applicants shall be provided funding in the order received unless a child's life or good health is threatened in which event said child's application will be given priority.
 - 3) DSCC shall make payments for authorized services in the order in which DSCC receives bills for such services.
 - 4) If DSCC determines due to nonavailability of funds that it is unable to pay for an authorized service, it shall cancel the authorization and any related purchase order any time up to the point at which services have been provided. For this purpose, the authorization and related Purchase Order shall contain the following statement: "This authorization is subject to all of the various rules and procedures set forth at 89 Ill. Adm. Code Part 1200, adopted February 10, 1987." In the event any authorization is cancelled pursuant to this limitation, any charges incurred for services rendered after the date of cancellation shall not be the obligation of DSCC.
 - 5) Except as otherwise specifically provided herein in the event that DSCC determines that it does not or will not have sufficient funds to provide payments for all Applicants, present and future, as well as to make payments in behalf of all Recipient Children, it shall first cease accepting applications in accordance with subsection (1) above. If after taking such action, it is still determined that sufficient funds are not available, it shall take the actions set forth in subsection (2) above. If after taking

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

such action, it is still determined that sufficient funds are not available, it shall take the actions set forth in subsections (3) and (4) above. In the event that the life or good health of a child is threatened if a procedure is not performed, DSCC shall give funding such procedure priority over other procedures not posing such threat.

c) The Director shall establish a maximum dollar amount for payment of authorized non-physician hospital-inpatient services per fiscal year which shall be applied to each child. DSCC shall provide notice of the limit to all Recipients and Health Care Facilities who may be affected.

d) By accepting a DSCC authorization, the Health Care Provider agrees not to seek further payment from the patient or the patient's family for such authorized services beyond the amounts available from insurance, DSCC, Medicare, or Medicaid. In those cases where DSCC has notified the Provider that money is no longer available from DSCC, the Provider shall not be so restricted.

e) Insurance

1) All insurance benefits must be used.

2) Payment for authorized services for children with insurance benefits shall not be made until insurance has paid or rejected the claim. Subject to all the limits on benefits as contained in these Rules, DSCC will pay the cost of all required services above that reimbursed by insurance. The Director shall approve payment for authorized services prior to settlement of the insurance claims if such is necessary to avoid undue suffering or to preserve life and good health, and if immediate payment will cause DSCC funds to be utilized in the most efficient and effective fashion, all as determined based on usual and customary medical standards.

3) The family shall notify DSCC within thirty (30) days of any change in the child's medical insurance coverage which results in coverage of costs which are currently paid for by DSCC.

f) DSCC will not provide reimbursement for minor occasional costs of a Recipient Child's treatment. For purposes of this clause "minor costs" shall be defined as charges for supplies, equipment, replacement parts, repair and replacement of equipment, and drugs less than \$25 each. "Occasional costs" shall be defined as costs occurring less frequently than once per month. In the event that minor costs are not occasional, they may be aggregated by the LRA and will be authorized by DSCC.

(Source: Amended at 13 Ill. Reg. 9283, effective June 6, 1989)

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: State (of Illinois) Employees' Deferred Compensation Plan

2) Code Citation: 80 Ill. Adm. Code 2700

3) Section Numbers: Adopted Action:

2700.200 Amendment
2700.440 Amendment
2700.620 Amendment
2700.630 Amendment
2700.650 Amendment
2700.700 Amendment
2700.710 Amendment
2700.720 Amendment
2700.730 Amendment
2700.735 New Section
2700.740 Amendment
2700.750 Amendment
2700.820 Amendment
2700.920 Amendment
Appendix A, Exhibit E Amendment
Appendix A, Exhibit F Amendment

4) Statutory Authority: Implementing Sections 457 of the Internal Revenue Code (26 U.S.C.A. 457, 1986, as now or hereafter amended) and the rules of the Internal Revenue Service (26 CFR 1, April 1, 1988, as now or hereafter amended) and implementing and authorized by Section 22A-1121.1 and Article 24 of the Illinois Pension Code (Ill. Rev. Stat. 1987, ch. 108 1/2, pars. 22A-111.1 and 24-101 et seq.)

5) Effective Date of the Adopted Amendments: May 31, 1989

6) Do the Adopted Amendments Contain an Automatic Repeal Date? No

7) Do the Adopted Amendments Contain Incorporations by Reference? No

8) Date Filed in Agency's Principal Office: May 15, 1989

9) The Date the Notice of Proposed Rules Was Published in the Illinois Register: 13 Ill. Reg. 253 - January 13, 1989

10) Did JCAR Issue a Statement of Objection to the Rules? No

11) Differences Between the Proposed and Adopted Versions: Changes have been made to reflect IRS Notices issued since the amendments were proposed, State Library requirements, or JCAR agreements. The changes follow:

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

Authority note - The statutory citation has been updated to reflect the 1987 edition of the Ill. Rev. Stat.

Section 2700.200(a) - The word "and" in the term "and/or" in the definition of "Employee" has been deleted.

- The Ill. Adm. Code references in the definition of "Prior Plan III" have been corrected.

Section 2700.700(a) - "26 CFR 54, 52 FR 28070, July 27, 1987" has been added after "Code".

Section 2700.700(g) - Clarification has been added that participants who do not receive initial distributions until the year following age 70 1/2 will receive at least two taxable distributions in one year.

Section 2700.710(c)(2A) - Clarification has been added regarding whose life expectancy will be used if there are multiple beneficiaries.

Section 2700.710(f) - Provisions have been added for distributions to beneficiaries who are not individuals.

Section 2700.730(a)(2)(c) - The point in time when life expectancy will be determined has been clarified and the language has been amended.

Section 3700.730(a) (3) - The annuity language has been clarified to comply with proposed regulations for IRS Code Section 401(a)(9) plans.

Section 2700.740(d) - The period for suspension of contributions following hardship distributions has been lengthened to comply with IRS directives.

Section 2700.820(b) - Language reading "pursuant to 38 Ill. Adm. Code 180" has been added.

Section 2700.920(a) - The Ill. Adm. Code references have been corrected.

Typographical, format, and drafting and editing corrections have also been made.

12) Have All the Changes Agreed Upon by JCAR and the Agency Been Made as Indicated in the Agreement Letter Issued by JCAR to the Agency? Yes

13) Will These Adopted Amendments Replace Emergency Amendments Currently in Effect? Yes

14) Are There Any Proposed Amendments Pending on This Part? No

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: The amendments have been adopted to comply with changes in federal law made by the Tax Reform Act of 1986 as clarified by the Technical Corrections and Miscellaneous Revenue Act of 1988 (HR 4333) for tax years beginning January 1, 1989. Certain housekeeping changes have been made at the same time including clarification of efforts to locate missing persons and authorization for electronic funds transfer of distributions.

16) Name, Address and Telephone Number of the Person to Whom Information and Questions Regarding These Adopted Amendments Shall Be Directed:

George Anne Daly, Division Manager
State Employees' Deferred Compensation Plan
Department of Central Management Services
604 Stratton Building
Springfield, IL 62706
(217/782-7006)

The full text of the Adopted Amendment begins on the next page:

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE H: DEFERRED COMPENSATION

CHAPTER I: ILLINOIS STATE BOARD OF INVESTMENT

PART 2700

STATE (OF ILLINOIS) EMPLOYEES' DEFERRED COMPENSATION PLAN

SUBPART A: INTRODUCTION AND PURPOSE OF PLAN

Section
2700.100 Establishment of Plan
2700.110 Purpose of Plan

SUBPART B: DEFINITIONS

Section
2700.200 Definitions

SUBPART C: ADMINISTRATION

Section
2700.300 Responsibilities of the Department
2700.310 Responsibilities of the Board
2700.320 Deferred Compensation Hardship Committee
2700.330 Applicable Law

SUBPART D: PARTICIPATION IN THE PLAN

Section
2700.400 Eligibility
2700.410 Enrollment
2700.420 Minimum Deferral
2700.430 Maximum Deferral
2700.440 Catch-up
2700.450 Revocation of Deferral

SUBPART E: ESTABLISHMENT OF RETIREMENT AGE

Section
2700.500 Normal Retirement Age
2700.510 Alternative Normal Retirement Age

SUBPART F: PARTICIPANT'S ACCOUNTS, INVESTMENTS AND STATEMENTS

Section
2700.600 Deferred Compensation Accounts
2700.610 Allocation of Investment Earnings or Losses
2700.620 Investment Fund Valuation
2700.630 Administrative Costs

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

2700.640 Method of Making Investment Requests
2700.650 Participant Statements
2700.660 Unsecured General Creditor
2700.670 Investment Funds

SUBPART G: DISTRIBUTIONS

Section
2700.700 Distribution Events
2700.710 Beneficiary Election of Method of Distribution
2700.720 Election of Delayed Distribution Date
2700.730 Election of Method of Distribution
2700.735 Distribution of Small Accounts
2700.740 Unforeseeable Emergency
2700.750 Designation of Beneficiary
2700.760 Leave of Absence

SUBPART H: MISCELLANEOUS

Section
2700.800 Nonassignability
2700.810 Payments to Minors and Incompetents
2700.820 Missing Persons
2700.830 Severability
2700.840 Days and Dates

SUBPART I: AMENDMENT OR TERMINATION OF PLAN

Section
2700.900 Amendment of Plan
2700.910 Termination of Plan
2700.920 Merger with Prior Plans

APPENDIX A Administrative Rules

EXHIBIT A Administrative Rule I (Repealed)
EXHIBIT B Administrative Rule II
EXHIBIT C Administrative Rule III
EXHIBIT D Administrative Rule IV
EXHIBIT E Administrative Rule V
EXHIBIT F Administrative Rule VI

AUTHORITY: Implementing Section 457 of the Internal Revenue Code (26 U.S.C.A. 457, 1986, as now or hereafter amended) and the rules of the Internal Revenue Service (26 CFR 1, April 1, 1988, as now or hereafter amended) and implementing and authorized by Section 22A-111.1 and Article 24 of the Illinois Pension Code (111. Rev. Stat. 1987, ch. 108 1/2, pars. 22A-111.1 and 24-101 et seq.)

SOURCE: Emergency rule adopted at 3 Ill. Reg. 11, p. 161, effective March 6, 1979, for a maximum of 150 days; adopted at 3 Ill. Reg. 13, p. 7, effective

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

March 19, 1979; amended at 3 Ill. Reg. 36, p. 436, effective August 29, 1979; amended at 4 Ill. Reg. 1, p. 45, effective December 26, 1979; amended at 6 Ill. Reg. 9655, effective July 23, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 10845, effective August 31, 1983; emergency amendments at 13 Ill. Reg. 629, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 9308, effective May 31, 1989.

SUBPART B: DEFINITIONS

Section 2700.200 Definitions

- a) Whenever used in the Plan, the following terms shall have the meanings set forth below unless otherwise expressly provided, and when the defined meaning is intended, the term is capitalized:

"Accounting Date" means the date on which an Investment Fund is valued and earnings and/or losses are allocated to Participants'. Deferred Compensation Accounts. There shall be an Accounting Date at least once a month and, if practical in the discretion of the Board, more frequent Accounting Dates to reflect, as closely as possible, the earnings and/or losses of any particular Deferred Compensation Account from the time Compensation is deferred and invested in various Investment Funds until it is eventually distributed according to the Plan.

"Beneficiary" means the person, persons or legal entity entitled to receive any undistributed Deferred Compensation which becomes payable in the event of the Participant's death, as designated by the Participant, or provided for in accordance with Section 2700.740 of the Plan.

"Board" means the Illinois State Board of Investment.

"Code" means the Internal Revenue Code of 1954 (26 U.S.C.A. 1 et seq.), as amended from time to time, or any successor statute.

"Compensation" means any remuneration payable to an Employee for employment or contractual services rendered to the Employer which is reportable as taxable income for the purposes of the Code.

"Deferred Compensation" means that portion of the Participant's Compensation which the Participant and Employer mutually agree to defer under this Plan.

"Delayed Distribution Date" means the date of Participant elects to delay the distribution of the account. It can be no later than defined in Section 401(a)(9)(C) of the Code (26 U.S.C.A. 401(a)(9)(C) (1986), as amended by P.L. 99-514, effective January 1, 1989) and explained in Section 2700.720 of this Part.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

"Department" means the Department of Central Management Services of the State of Illinois.

"Employee" means any person, including a person elected, appointed or under contract, receiving compensation from the state...for personal services rendered including salaried persons, except that any person under contract with the Employer shall be eligible only to the extent the Internal Revenue Service and/or the Illinois Department of Revenue shall permit or approve.

"Employer" means the State of Illinois, including all officers, boards, commissions and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch, all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute other than units of local government and their officers, school districts and boards of election commissioners; all administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

"Includable Compensation" means the amount of an Employee's Compensation for a taxable year that is includable in the Employee's gross income for the taxable year for federal income tax purposes; such term does not include any amount excludable from gross income under this Plan or any other plan described in Section 457(a) of the Internal Revenue Code, any amount excludable from gross income under Section 403(b) of the Internal Revenue Code, or any other amount excludable from gross income for federal income tax purposes. Includable Compensation shall be determined without regard to any community property laws.

"Minor" means a Beneficiary who is under age 18 at the time a benefit under this Plan becomes payable to him or her, unless Illinois law defines another age.

"Normal Retirement Age" means age 70 1/2 unless the Participant has elected an alternative Normal Retirement Age by written instrument delivered to the Department within 30 days of the Participant's Termination of Service as provided in Section 2700.510. A Participant's Normal Retirement Age determines:

the latest time when benefits may commence under this Plan (unless the Participant continues employment after Normal Retirement Age), and the period during which a Participant may utilize the

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

three-year Catch-up provision of Section 2700.440 in this Plan.

"Participant" means any Employee who has enrolled in this Plan as provided in Section 2700.410 and has not had a complete distribution of his or her Deferred Compensation Account.

"Pay Period" means a regular accounting period established by the State of Illinois for measuring and paying Compensation earned by Employees. A Pay Period may be monthly, semi-monthly or bi-weekly.

"Plan" means the State (of Illinois) Employees' Deferred Compensation Plan, as set forth in these rules, and as it may be amended from time to time.

"Plan Year" shall be the tax year as established by the Comptroller for payroll purposes.

"Prior Plan I" means the State Employees' Deferred Compensation Plan approved and adopted by the Board on September 10, 1976.

"Prior Plan II" means the State Employees' Deferred Compensation Plan approved and adopted by the Board on May 18, 1979.

"Prior Plan III" means the State Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700) adopted at 7 Ill. Reg. 10845, effective August 31, 1983.

"State" means State of Illinois.

"Termination of Service" means the permanent severance of the Participant's employment relationship with the Employer by means of:

retirement;
discharge, unless this discharge is appealed within 30 days by the Employee through an a State administrative appellate process; in which case, the date of the final administrative decision shall be the effective date of discharge;
resignation, provided seniority or continuous service is interrupted;
indeterminate layoff, that is, any unless this layoff is appealed within 30 days by the employee through a State administrative appellate process or there is for which there is not a designated date for return to paid status;
expiration or non-renewal of contract, appointment or term of office;
nonre-election; or
such other form of permanent severance as may be provided by

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

appropriate law, contract or rules and regulations. For the purposes of this definition, neither a break in State service for a period of less than 30 days nor transfers among various branches of State Government shall be considered a Termination of Service.

If discharges or layoffs are appealed, the date of the final administrative decision shall be the effective date of the discharge or layoff.

An independent contractor is considered to terminate service with the Employer upon the expiration of all contracts under which services are performed for the Employer, if the expiration constitutes a good faith and complete termination of the contractual relationship.

"Unforeseeable Emergency" means severe financial hardship to the Participant resulting from a sudden and unexpected illness or accident of the Participant or of a dependent of the Participant, loss of the Participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant.

b) Except when otherwise indicated by context, any masculine terminology herein shall also include the feminine and neuter and vice-versa, and the definition of any terms herein in the singular may also include the plural.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

SUBPART D: PARTICIPATION IN THE PLAN

Section 2700.440 Catch-up

- a) For one or more of the Participant's last three taxable years ending before the Participant attains Normal Retirement Age, a Participant may defer an additional amount, not in excess of the maximum amount deferrable, and not greater than the difference between the amount which could have been deferred under this Plan or another Plan authorized under Section 457 of the Code for each year that the Employee was eligible to participate in the Plan since January 1, 1979, and the amount that was actually deferred during that time.
- b) A Participant eligible for Catch-up may defer the additional amount by declaring his or her Normal Retirement Age and by agreeing to the Catch-up conditions stated in this Section on a form to be provided by the Department.
- c) Once a Participant has deferred additional Compensation under the Catch-up provision of this Plan,
- 1) he or she may not change his or her Normal Retirement Age.
 - 2) he or she may not delay the distribution of the Account--more elect a Delayed Distribution Date later than 60 days past the end

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

November 30 of the taxable year during which he or she actually separates from State service.

- 3) he or she may not use the Catch-up provision more than once whether or not the Participant rejoins the plan or joins a new plan, and whether or not the Catch-up is used in one or all three of the applicable taxable years.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

SUBPART F: PARTICIPANT'S ACCOUNTS, INVESTMENTS AND STATEMENTS

Section 2700.620 Investment Fund Valuation

- a) Any Investment Fund under this Plan shall be valued at fair market value as of each Accounting Date.
- b) Any withdrawals or distributions made under this Plan shall be made in cash by electronic transfer, or by State warrant.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

Section 2700.630 Administrative Costs

- a) It is the intent of this Plan that it shall not be implemented or administered so as to be an expense to the State of Illinois, except for the State's obligation to pay the Deferred Compensation Accounts as provided in this Plan. Therefore, any expenses of maintaining and administering the Plan shall be borne by the Participants. Such costs shall include, but not be limited to, the costs of:

- 1) making investments, exchanges, or distributions if any,
 - 2) collecting the Deferred Compensation, and
 - 3) providing information to Participants, Employees and other agencies of the State.
- b) The method of sharing any expenses and the amount of such expenses shall be determined by the Department subject to the approval of the Board.
- c) Such charge shall be set by administrative rule.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

Section 2700.650 Participant Statements

- a) Each Participant shall be provided at least once a year with an accounting of his or her Deferred Compensation Account including, but not limited to, the amount deferred and any amounts credited or debited up to the most recent Accounting Date.
- b) Such an accounting shall be made not later than 60 days after all

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

- c) deferrals for the end-of the Plan Year have been invested. Participants are responsible for notifying the Department in writing of any investment or other error within 14 days of the receipt of any statement.

- d) The liability of the Plan to the Participants for errors shall be set by administrative rule.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

SUBPART G: DISTRIBUTIONS

Section 2700.700 Distribution Events

- a) Distributions under this Plan will be made in accordance with the regulations under Section 401(a)(9) of the Code (26 CFR 54.52 FR 28070, July 27, 1987). The provisions reflecting Section 401(a)(9) override any distribution options in the Plan inconsistent with Section 401(a)(9).

- a) A Participant's Deferred Compensation Account may begin to be distributed 30 days after the date of one of the following events.

- 1) Termination of Service,
 - 2) Death, or
 - 3) Delayed Distribution Date.
- b) A Participant's Deferred Compensation Account may begin to be distributed as soon as possible but not later than 30 days after determination of an Unforeseeable Emergency by the Hardship Committee.
- c) No distributions will be made to a Participant who is employed as an independent contractor before a date which is at least 12 months after the day on which his or her employment contract expires. Should the independent contractor be re-employed by the State as either an Employee or independent contractor during the 12-month waiting period, no distribution will be started on the projected distribution date.
- d) Participants are responsible for notifying the Department of their Termination of Service.
- e) Beneficiaries are responsible for notifying the Department of the death of the Participant and supplying the Department with a certified copy of the Death Certificate.

- g) A Participant who does not receive the initial distribution until the calendar year following the year in which he or she reaches age 70 1/2 or separates, if he or she works past age 70 1/2, will receive at least two taxable distributions in the same year.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

Section 2700.710 Beneficiary Election of Method of Distribution

- a) Within 30 days of the date of death of a Participant, the Beneficiary

ILLINOIS REGISTER
ILLINOIS STATE BOARD OF INVESTMENT
NOTICE OF ADOPTED AMENDMENT(S)

may elect a method of distribution, including a Delayed Distribution as provided in Section 2700-720; if the Beneficiary makes no election within the 30-day period, the latest election the Participant made for the Beneficiary will be honored. In the case of a distribution to a Beneficiary when the account was partially distributed to the Participant before death:

- 1) The Beneficiary may elect one of the options provided in Section 2700.730.
- 2) The installment period is limited to the balance of the deceased Participant's installment period.
- 3) Distribution to a Beneficiary who does not make an election within the 30-day election period will be a continuation of the method under which the account was being distributed prior to the Participant's death, unless the amount of the account is \$3,500 or less in which case the distribution will be immediately in a lump sum.
- c) if the Beneficiary makes no election within the 30-day period and the Participant has made no election for the Beneficiary, the account will be distributed as provided in Section 2700-730. In the case of a distribution to a Beneficiary when the Participant died before distributions began:
 - 1) The Beneficiary may elect one of the options provided in Section 2700.730.
 - 2) The installment period cannot exceed the Beneficiary's life expectancy or 15 years, whichever is shorter. If a Participant has more than one designated Beneficiary, the designated Beneficiary with the shortest life expectancy will be the designated Beneficiary for purposes of determining the distribution period.
 - 3) The Beneficiary who does not make an election within the 30-day election period will have the account distributed in five annual installments, unless the amount of the account is \$3,500 or less in which case it will be distributed immediately in a lump sum.
- d) If the Beneficiary dies after the distribution has commenced:
 - 1) The balance of the account will be distributed to the Beneficiary of the Beneficiary receiving distributions.
 - 2) The distribution method will be a continuation of the method in effect prior to the Beneficiary's death, unless the amount of the account is under \$3,500 in which case the distribution will be immediately in a lump sum.
- e) The Beneficiary's election becomes irrevocable after the 30-day election period expires.
- f) If the designated Beneficiary is other than an individual:
 - 1) The Beneficiary may elect a lump sum cash payment of all or a portion of the balance of the account, or
 - 2) The Beneficiary may elect installments over a period of time not longer than five years.
 - 3) The Beneficiary who does not make an election within the 30-day election period will have the account distributed in five annual

ILLINOIS REGISTER
ILLINOIS STATE BOARD OF INVESTMENT
NOTICE OF ADOPTED AMENDMENT(S)

installments, unless the amount of the the account is \$3,500 or less in which case it will be distributed immediately in a lump sum.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

Section 2700.720 Election of Delayed Distribution Date

- a) Within 30 days of Termination of Service a Participant may elect a Delayed Distribution Date. Such election is irrevocable.
- b) The Delayed Distribution Date may be:
 - 1) a specific future date,
 - 2) the attainment of a specific age by the Participant, or
 - 3) Normal Retirement Age.
- c) In no case may a Participant elect a Delayed Distribution Date delay the commencement of distributions beyond:
 - 1) the close of the taxable year in which the Participant attains age 70 1/2, or
 - 2) 60 days after the close of the plan year in November 30 of the taxable year during which the Participant actually separates State service if the Participant deferred more than the normal maximum under the Catch-up provision of this Plan, or
 - 3) 60 days after the close of the plan year in which the Participant actually separates State service if the Participant works past age 70 1/2.
- d) A Beneficiary may elect a Delayed Distribution Date, but such date shall not be later than the earlier of:
 - 1) a date 45 years after the date of the Participant's death, or
 - 2) 30 days after the close of the plan year in which the Participant would have attained Normal Retirement Age.
- e) A Participant or Beneficiary may elect a Delayed Distribution Date only once and such election shall be irrevocable.
- f) In the event a Participant who has terminated State service and elected a Delayed Distribution Date returns to State employment prior to reaching the Delayed Distribution Date, the Delayed Distribution Date is effectively voided. Whether or not the Participant resumes deferrals shall not affect the nullification.
- f) Neither a Participant who works past age 70 1/2 nor a Beneficiary may elect a Delayed Distribution Date.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

Section 2700.730 Election of Method of Distribution

- a) At any time prior to the date distributions are to commence (except for Unforeseeable Emergency distributions) a Participant may elect one or more of the following methods by which the Deferred Compensation

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

Account shall be distributed:

- 1) A lump sum cash payment of all or a portion of the balance of the Account. The amount paid for such lump sum withdrawal shall be based upon the value of the Participant's Account as of the Accounting Date.
- 2) In installments over a period of years not longer than the life expectancy of the Participant plus 15 years.

- A) Such installments shall be made in regular increments of monthly, quarterly, semi-annual or annual payments.

If monthly installments are elected, the amount of each distribution will be transferred electronically to the Participant's bank or other account which accepts direct deposits from the State.

- B) Such installments shall be made in such amount to assure that the total value of the Participant's account shall be sum received by the Participant during his or her projected life time (as determined at the time distributions commence or as otherwise provided by applicable code and the regulations), exceeds one-half of the value on the date the Participant separates from State service.

- C) For the purposes of this Plan, this amount shall be computed based on the Participant's life expectancy shall be as determined by any an applicable Internal Revenue Service tables in accordance with the regulations under Section 401(a)(9) of the Code (26 CFR 54, 52 FR 28070, July 27, 1987) at the time the Participant elects the distribution method.

- ED) Any portion of the Deferred Compensation Account which has not been distributed shall continue to be credited and/or debited according to the provisions of Sections 2700.600 and 2700.610.

- BE) The amounts of such installments shall be determined each year--in--which time there are distributions. The method of computing the value of each installment will be set by administrative rule.

- 3) In a series of payments on an annuity basis as if an annuity contract was purchased based on the life of the Participant.

- A) Such annuity payments shall be based on one of the following methods:

- i) fixed payments over the life of the Participant, or
- ii) the life of the Participant and a period not to exceed 15 years from the date of the Participant's death; fixed payments not longer than the life expectancy of the Participant, or
- iii) fixed payments over a period no longer than the balance of the deceased Participant's installment period in the case of a distribution when the account was partially distributed to the Participant before death.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

- iv) fixed payments over a period not to exceed the Beneficiary's life expectancy or 15 years, whichever is shorter, in the case of a distribution which does not begin before the death of the Participant.

- B) Once payments have commenced on an annuity basis, payments to a Beneficiary will depend on the terms of the annuity payments agreed to by the Participant and the State. If provision is made for payment of a portion of the annuity to a Beneficiary, the payments made to the Participant shall exceed one-half of the maximum that could have been payable to the Participant if no provision were made for payment to a Beneficiary. The amount payable to the Participant shall be established by the mortality tables in use by the company issuing the annuity contract based upon the interest and mortality assumptions which are consistent with the non-participating annuity purchase yields available from the company for the purchase of such annuities and currently in effect at the time of the purchase.

- C) If, in fact, an annuity contract is purchased, the owner and named Beneficiary shall be the State of Illinois. Any rights of Participants or Beneficiaries are derived solely from this Plan.

- 4) A transfer of all of the account from this plan to an eligible plan authorized under Section 457 of the Code.

- A) The State or local government sponsoring the receiving 457 plan is responsible for determining whether the plan is eligible and certifying the same on a form provided by the Department.

- B) The transfer will commence on the same Accounting Date as if a lump sum distribution had been elected, unless the certification and any other required forms have not been received by the Department.

- C) In the event the receiving plan is not an eligible plan or does not authorize transfers, the distribution of the account will be held no longer than 180 days and the Participant will be given 30 days to make a new distribution method election.

- b) if a deferred compensation account on the date the Participant separates from State service (or dies) is equal to or less than \$7000, the account shall be:
 - 1) distributed in a lump sum; or
 - 2) held until a delayed distribution date not exceeding one year from the date the Participant was first entitled to begin distributions and then distributed in a lump sum.

- c) If the Participant does not elect a method of distribution is not elected prior to an event of distribution, the Deferred Compensation Account will be distributed in five annual installments, unless the amount of the account is \$17000 \$3,500 or less in which case it will be distributed immediately in a lump sum.

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

- c) The Participant's election becomes irrevocable after the election period expires.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

Section 2700.735 Distribution of Small Accounts

If a Deferred Compensation Account plus any uninvested deferrals on the date the Participant separates from State service (or dies) is equal to or less than \$3,500, the Account shall be:

- a) distributed in a lump sum, or
b) held until a Delayed Distribution Date not exceeding one year from the date the Participant separates and then distributed in a lump sum on the next Accounting Date.

(Source: Added at 13 Ill. Reg. 9308, effective May 31, 1989)

Section 2700.740 Unforeseeable Emergency

- a) A Distribution of all or a portion of a Participant's Deferred Compensation Account or a change in method of distribution to a Participant who has commenced distributions shall be permitted in the event the Participant experiences an Unforeseeable Emergency.

- b) Distributions shall not be made to the extent that such hardship is or may be relieved:

- 1) through reimbursement or compensation by insurance or otherwise,
- 2) by liquidation of the Participant's assets to the extent the liquidation of such assets would not itself cause severe financial hardship, or
- 3) by cessation of deferrals under the plan.

- c) A Participant's deferrals will automatically be revoked upon application for a hardship distribution.

- d) If the application is approved, the Participant cannot re-enroll for 180 days--from the date of revocation: 12 months following receipt of a hardship revocation.

- e) For the purposes of this plan, a Beneficiary whose interest has "vested" in accordance with Section 2700.750 shall have all rights of a Participant to request a distribution or a change in method of distribution in the event of an Unforeseeable Emergency.

- f) A Participant desiring a distribution by reason of a serious Unforeseeable Emergency must apply to the Hardship Committee and demonstrate that:

- 1) the circumstances being experienced were not under the Participant's control, and
- 2) the circumstances constitute a real emergency which is likely to cause the Participant great financial hardship.

- g) The Hardship Committee shall have the authority to require such

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

medical or other evidence as it may need to determine the necessity for Participant's withdrawal request. In the event this information is not provided, the case will be considered closed 60 days after the date of request by the Hardship Committee.

- h) The Hardship Committee shall reach its decision to approve or disapprove the financial hardship withdrawal request within 30 days following receipt of the completed application and necessary information required by the application or the Hardship Committee.

- i) In the event a Participant is not satisfied with the decision of the Hardship Committee on an application for an Unforeseeable Emergency distribution or change in distribution, the Participant may appeal in writing to the Board within 15 days of receipt of the Hardship Committee's decision.

- j) The Board shall, within 30 days of receipt of the appeal, conduct a hearing and review evidence presented by the Participant.

- k) The Board shall then render a final decision within 15 days of the hearing which shall be binding on all parties.

- l) If an application for an Unforeseeable Emergency distribution is approved, the distribution shall be limited to an amount sufficient only to meet the emergency and shall in no event exceed the amount of his or her Deferred Compensation Account as of the Accounting Date next preceding or coincident with such withdrawal.

- m) The allowed distribution shall be payable in a method determined by the Hardship Committee and shall commence as soon as possible, but not later than 30 days after notice to the Participant and the Department of approval of the request by the Committee.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

Section 2700.750 Designation of Beneficiary

- a) A Participant may designate a Beneficiary or Beneficiaries who will receive any balance in the Participant's Deferred Compensation Account in the event of his or her death.

- b) A designation of Beneficiary shall be effective for subsequent distributions when received by the Department. Such designation shall be in writing and should be made on a form provided by the Department for that purpose which has been signed by the Participant.

- c) A Participant may, at any time, change his or her Beneficiary by completion of the form provided by the Department.

- d) No Beneficiary shall have any rights under this plan until the death of the Participant who has designated him or her.

- e) Participants may designate primary and contingent Beneficiaries. A contingent Beneficiary's interest will become effective only after the death of any and all primary Beneficiaries.

- f) If more than one Beneficiary is named in either category, benefits will be paid according to the following rules:

- 1) Beneficiaries can be designated to share equally or to receive

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

specific percentages.

- 2) If a Beneficiary dies before the Participant, only the surviving Beneficiaries will be eligible to receive any benefits in the event of the death of the Participant. If more than two Beneficiaries are originally named to receive different percentages of the benefits, surviving Beneficiaries will share in the same proportion to each other as indicated in the original designation.

- g) A person, trust, estate or other legal entity may be designated as a Beneficiary.
- h) If a Beneficiary has not been designated, or a designation is ineffective due to the death of any and all Beneficiaries prior to the death of the Participant, or the designation is ineffective for any reason, the estate of the Participant shall be the Beneficiary.
- i) Upon the death of the Participant, any Beneficiary entitled to the value of the Deferred Compensation Account under the provisions of this Section shall become a "Vested Beneficiary" and have all the rights of the Participant with the exception of making any deferrals.
- j) Before the account can be distributed, the Beneficiary must provide the Department with his or her Social Security Number.
- k) In the event of a conflict between the provisions of this Section and an annuity distribution which has commenced under Section 2700.730(a)(3), the latter shall prevail.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989.)

SUBPART H: MISCELLANEOUS

Section 2700.820 Missing Persons

- a) If the Department is unable to ascertain the whereabouts or identity of any person who is due to receive a benefit under this Plan at the time that benefit is due, the Department shall attempt to serve notice on such person by certified mail addressed to that person's last known address.

- b) Should such attempt to serve notice fail, the Department shall ask the help of the Department of Financial Institutions in advertising the need to locate the person pursuant to 38 Ill. Adm. Code 180.

- c) Should such attempt to serve notice locate that person fail, the Department shall, upon receipt of a Court order, direct that such benefit and all other benefits due such a person be paid to a Court of Law for distribution pursuant to that Court's order.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989.)

SUBPART I: AMENDMENT OR TERMINATION OF PLAN

ILLINOIS STATE BOARD OF INVESTMENT

NOTICE OF ADOPTED AMENDMENT(S)

Section 2700.920 Merger with Prior Plans

- a) This Plan constitutes an amendment and restatement of the State Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700) adopted by the Board on May 18, 1979 at 7 Ill. Reg. 10845, effective August 31, 1983 (Prior Plan is III).
- b) All Participants and any Compensation deferred under the Prior Plans are, from the Effective Date of this Plan, governed by the terms of this Plan subject to the following provisions:
- 1) All deferrals elected under the Prior Plans shall continue without further action so long as they do not exceed the limits in Section 2700.430.
 - 2) Any investment requests made under the Prior Plans shall continue to apply to any deferrals made under this Plan until changed by a Participant in accordance with Section 2700.640.
 - 3) Any election of the method of distribution of benefits made through Prior Plan I shall be void, and a Participant or Beneficiary may elect the form of distribution in accordance with Sections 2700.710 and 2700.730 of this Plan.
 - 4) Any election of the method of distribution of benefits made through Prior Plan II and III shall remain in full force and effect unless it conflicts with the provisions of this Plan. In the event of a conflict, a Participant or Beneficiary shall have 30 days from date of notification to elect a new method of distribution consistent with the requirements of this Plan.

- c) Any Delayed Distribution Dates elected under Prior Plan II by a Participant or Beneficiary made prior to October 27, 1982 shall remain in full force and effect and are irrevocable. Delayed Distribution Dates elected under Prior Plan II made after October 27, 1982 shall be void if they conflict with the provisions of this Plan. A Participant whose Delayed Distribution Date is void shall have his or her Deferred Compensation Account distributed in accordance with Section 2700.730.

- d) A Participant who has elected a Delayed Distribution Date but not yet reached it may choose, within 60 days from the effective date of this Plan, to transfer the value of the account to another eligible plan authorized under Section 457 of the Code.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989.)

ILLINOIS STATE BOARD OF INVESTMENT
NOTICE OF ADOPTED AMENDMENT(S)

Section 2700. APPENDIX A Administrative Rules

Section 2700. EXHIBIT B Administrative Rule V

The amount of a periodic installment benefit payment shall be determined each year--in--which time there are is a distributions. This amount shall be calculated on the first Accounting Date for the year month based on the value of the Participant's Account on that date and the number of installments remaining. However, the final installment will be an amount equal to the value of the Participant's Account on the Accounting Date for that final distribution.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

ILLINOIS STATE BOARD OF INVESTMENT
NOTICE OF ADOPTED AMENDMENT(S)

Section 2700. EXHIBIT P Administrative Rule VI

The liability of the Plan to the Participants for administrative errors shall not exceed the amount necessary to correct the \$1700-per- error. Errors under \$5.00 will not be corrected.

(Source: Amended at 13 Ill. Reg. 9308, effective May 31, 1989)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Responsibility for Special Education
- 2) Code Citation: 89 Ill. Adm. Code 760
- 3) Section Numbers:
760.40
Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Sections 3 and 10 and authorized by Section 3 of "AN ACT in relation to rehabilitation of disabled persons," (Ill. Rev. Stat. 1987, ch. 23, pars. 3434 and 3441).
- 5) Effective Date of Rule(s) (Amendments, Repealer): June 2, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 25, 1989
- 9) Notice of Proposal Published in Illinois Register:
December 9, 1988, 12 Ill. Reg. 20431
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
A) Statement of Objection: (issue date), ___ Ill. Reg. ___
B) Agency Response: (issue date), ___ Ill. Reg. ___
C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: Pursuant to agreements made with the Administrative Code Division the following changes were made:

The citations for the Illinois Register were updated from 1985 to 1987.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

In the table of contents, the Sections were listed in the format prescribed by 1 Ill. Adm. Code 100.

The code citation in Section 760.40 was corrected.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No agreements were necessary.
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- Section Numbers Proposed Action Illinois Register Citation
- 15) Summary and Purpose of Rule(s): This amendment corrects a citation for the Illinois State Board of Education's rules on Special Education.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:
Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Automobile Renting Occupation Tax
2) Code Citation: 86 Ill. Adm. Code 180

3) Section Numbers: 180.101
Adopted Action:
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, par. 1702 and 1703

5) Effective Date of Amendment(s): June 6, 1989

6) Does this rulemaking contain an automatic repeal date? Yes No X

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 6, 1989

9) Notice of Proposal Published in Illinois Register:
July 1, 1988, 12 Ill. Reg. 11056
(Issue date)

10) Has JCAR issued a Statement of Objections to these Rules?: No

11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In the authority note, updated the statutory citation to reflect the 1987 edition of the Illinois Revised Statutes.
2. The word Regulations was deleted from the Heading of the Part.
3. In Section 180.101(a), added the statutory citation to the Act in line 1 placing it within parentheses.
4. In subsection (b), added a statutory citation to the Section of the Illinois Vehicle Code appearing in the statutory citation.
5. Deleted the term "Regulations" from the heading of this Part.

Pursuant to the request of the Joint Committee on Administrative Rules, the following change was made:

1. Corrected the name of the Act in the authority Note and in Section 180.101(a) by changing "Illinois Automobile Renting Occupation Tax Act" to "Automobile Renting Occupation and Use Tax Act."

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER f: EDUCATIONAL FACILITIES

PART 760
RESPONSIBILITY FOR SPECIAL EDUCATION

Section 760.10 Responsibility of State School
760.20 Comprehensive Program
760.40 Rights and Privileges of Students

AUTHORITY: Implementing Sections 3 and 10 and authorized by Section 3 of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434 and 3441.)

SOURCE: Adopted at 6 Ill. Reg. 1235, effective January 18, 1982; codified at 6 Ill. Reg. 13373; amended at 12 Ill. Reg. 11255, effective June 16, 1988; amended at 13 Ill. Reg. 9329, effective June 2, 1989.

Section 760.40 Rights and Privileges of Students

The State School shall be responsible for ensuring that those students enrolled enjoy rights and privileges equal to those of all other children. The State School will not expel a student for behavior or a condition which is, or results from, an exceptional characteristic, as defined in the Illinois State Board of Education's rules Special Education (23 Ill. Adm. Code 226.552 Subpart 1). Regard shall not be given to whether the exceptional characteristic is the student's primary exceptional characteristic. In the event that a student is expelled for reasons not associated with the student's exceptional characteristic(s), the State School shall initiate discharge procedures as set out in Case Study Evaluation to Determine Whether a Student is Inappropriately Placed (89 Ill. Adm. Code 755.240 and 795.30).

(Source: Amended at 13 Ill. Reg. 9329, effective June 2, 1989)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): The amendment to Section 180.101(a) conforms the tax rate in the regulation to the law. The amendment to 180.101(b) is necessitated by P.A. 85-415 which expands the definition of "automobile" to include certain vans.

16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 180

AUTOMOBILE RENTING OCCUPATION TAX REGULATIONS

SUBPART A: NATURE OF THE TAX

Section

180.101 Character And Rate Of The Tax
180.105 Responsibility Of Trustees, Receivers, Executors Or Administrators
180.110 Occasional Rental Transactions
180.115 Habitual Rental Transactions

SUBPART B: GROSS RECEIPTS, AUTHORIZED DEDUCTIONS AND NONTAXABLE TRANSACTIONS

Section

180.120 The Meaning of Gross Receipts
180.125 Authorized Deductions from Gross Receipts
180.130 Nontaxable Transactions
180.135 Rentals for Re-rental

SUBPART C: RETURNS

Section

180.140 Monthly Tax Returns-When Due-Contents

SUBPART D: INCORPORATION BY REFERENCE

Section

180.145 Incorporation of Certain Retailers' Occupation Tax Regulations

AUTHORITY: Implementing the Automobile Renting Occupation and Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 1701 et seq.) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted and codified at 7 Ill. Reg. 9397, effective July 25, 1983; amended at 13 Ill. Reg. 9332, effective June 6, 1989.

SUBPART A: NATURE OF THE TAX

Section 180.101 Character And Rate Of The Tax

- a) The Automobile Renting Occupation and Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 1701 et seq.) (the Act) imposes a tax upon persons engaged in this State in the business of renting automobiles in Illinois under lease terms of one year or less at the rate of 4% of

DEPARTMENT OF REVENUE
NOTICE OF ADOPTED RULES

the gross receipts from such business on or after January 1, 1982. Effective September 1, 1985, such rentals are taxed at the rate of 5% of the gross receipts from such business.

b) "Automobile" means any motor vehicle of the first division or any motor vehicle of the second division which is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of "The Illinois Vehicle Code." (Ill. Rev. Stat. 1981 1987, ch. 120 95 1/2, par. 1-146.) This includes motorcycles and motor driven cycles.

c) How To Determine Effective Rate
Automobile Renting Occupation Tax liability shall be computed by applying to the gross receipts from taxable rental transactions, the tax rate in effect during the rentee's possession of the rented automobile. Where a rate change takes effect during a rentee's possession, all rental receipts received from that rentee after the effective date of the rate change are subject to the new rate. If a rentee takes possession after a rate change in a rental transaction in which the renter received rental receipts before the date of the rate change and the tax paid on such receipts when received by the renter at the rate in effect when the renter received those receipts, no additional tax will be due or credit allowed because the rentee took possession after the effective date of the rate change.

d) Effective Date of New Taxes
When something that has been exempted becomes taxable as to rental transactions that are made on and after some particular date, the date of rental for this purpose shall be deemed to be the date of possession or right to possession of the automobile. This is true even if such possession is taken under a contract that was entered into before the effective date of the new tax.

e) Relation of Automobile Renting Occupation Tax To The Automobile Renting Use Tax

1) The Automobile Renting Occupation Tax is an occupation tax, the legal incidence of which is on the renter rather than on the rentee.

2) However, the rentor becomes a tax collector under the Automobile Renting Use Tax and is required to collect that tax from renters. In making that collection, renters may rely on the tax collection schedules prescribed in the Department's Use Tax Regulations for the collection of the Use Tax by retailers from users. Consequently, the tax collection schedules set out in 86 Ill. Adm Code 150.450 through 150.505 are incorporate^d by reference herein.

(Source: Amended at 13 Ill. Reg. 9332, effective June 6, 1989)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: County Supplementary Retailers' Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 600

3) Section Numbers:
600.101
600.105
600.110
600.115
600.120
600.125
600.130
600.135

Adopted Action:
New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 34, par. 409.1(a)

5) Effective Date of Rules: June 6, 1989

6) Does this rulemaking contain an automatic repeal date? Yes X No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 6, 1989

9) Notice of Proposal Published in Illinois Register:

February 3, 1989, 13 Ill. Reg. 1448
(issue date)

10) Has JCAR issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In the Authority note, deleted the parentheses around the "a" in the paragraph number in the first citation.

2. The word Regulation was deleted from the Heading of the Part.

3. In Section 600.101(b), added a statutory citation to the Use Tax Act and defined "Department"

4. In Section 600.101(d)(2), added the title of the Act in front of the statutory citation and corrected the citation as noted in comment #1 above.

5. In this paragraph, deleted the comma following the paragraph number

- in the statutory citation in line 3 and in the second of these paragraphs specified the Sections and title of the Act to which the statutory citation corresponds.
6. In Section 600.105(b)(1), changed the comma in the Code citation in the last line to a period.
7. In Section 600.110(c), specified the Sections and titles of the Acts to which the statutory citations refer and placed the appropriate statutory citation immediately after each title of the Act.
8. In Section 600.115(a), changed the Code citation to "86 Ill. Adm. Code 130.Subpart O."
9. In Section 600.115(b), placed the acronym "(RTA)" immediately after "Authority" in line 3 and deleted this acronym from line 10.
10. In Section 600.120(b)(1), changed "Sections (f) and (g) of this Regulation" to "subsections (f) and (g) of this Section".

At the request of the Joint Committee on Administrative Rules, the following changes were made:

1. Added the following text to Section 600.101(b): "(see 86 Ill. Adm. Code 150.Table A)".
2. Placed the text up to the words "for human use" in Section 600.105(b)(1) in distinguishing type.
3. Added the words "credit or refund" after "Occupation Tax" in the first line of Section 600.115(d).
4. Included the following text:
- (a) In Section 600.101(b), last line, added the following text after "Department:" "of Revenue (Department)"
- (b) Section 600.101(d)(2), the following text was added before the statutory citation (but within the parenthetical): "County Supplementary Retailers' Occupation Tax."
- (c) Section 600.105(a), the two unlabeled paragraphs were combined into one paragraph. The last sentence of the revised Section 600.105(a) deleted "from" and inserted in lieu thereof "under Sections 1, 1e and 2 of".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rule replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): Regulations implementing the 1/4 percent County Supplementary Retailers' Occupation Tax, including such exemptions and penalties.
- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Rule(s) begins on the next page:

Section 600.101 Nature and Rate of the County Supplementary Retailers' Occupation Tax (Ill. Rev. Stat. 1987, ch. 34, par. 409.1a) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 13 Ill. Reg. 9336, effective June 6, 1989.

Section 600.101 Nature and Rate of the County Supplementary Retailers' Occupation Tax

a) Authority to Impose Tax

A county of less than 3,000,000 inhabitants is authorized to impose a tax upon all persons engaged in the business of selling tangible personal property at retail within the county (including incorporated and unincorporated areas of such county) at a rate of 1/4 of 1% of the gross receipts from such sales made in the course of such business within the county.

b) Passing on the Tax

The legal incidence of a County Supplementary Retailers' Occupation Tax is on the seller. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their seller's County Supplementary Retailers' Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with the State tax which sellers are required to collect under the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.1 et seq.), and the additional charge authorized under the provisions of the Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax, County Water Commission Retailers' Occupation Tax and the Regional Transportation Authority Retailers' Occupation Tax or Metro-East Mass Transit District Retailers' Occupation Tax (where applicable) pursuant to such bracket schedules as the Department of Revenue (Department

c) may prescribe. (See 86 Ill. Adm. Code 150. Table A).

Any amount added to the selling price of tangible personal property by the seller because of a County Supplementary Retailers' Occupation Tax or because of the Illinois Retailers' Occupation Tax or County Retailers' Occupation Tax, the Water Commission Tax, and the Regional Transportation Authority Retailers' Occupation Tax or Metro-East Mass Transit District Retailers' Occupation Tax (where applicable), and seller's gross receipts that are subject to such County Supplementary Retailers' Occupation Tax.

d) Ordinance or Resolution Adopting Tax

1) A county imposing or discontinuing the County Supplementary Retailers' Occupation Tax shall pass and approve an ordinance or resolution adopting or repealing such tax. A certified copy thereof shall be filed with the Department on or before the first day of April of the year of application. The Department shall proceed to administer and enforce such tax on behalf of the county as of the first day of July immediately following the adoption and filing of the ordinance by the county.

2) Any ordinance or resolution filed after the April 1st deadline of any year will be administered and enforced on behalf of the county by the Department on the first day of July of the year immediately following the year in which the ordinance or resolution was filed with the Department. (County Supplementary Retailers' Occupation Tax Act, Ill. Rev. Stat. 1987, ch. 34, par. 409.1a).

Section 600.105 Exemptions from the County Supplementary Retailers' Occupation Tax

- a) Exemptions Similar to the Retailers' Occupation Tax
- Generally, the County Supplementary Retailers' Occupation Tax contains the same exemptions as found in the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.). However, those exemptions from the Retailers' Occupation Tax that are not located in Section 2 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 441) are not applicable to the County Supplementary Retailers' Occupation Tax. Specifically, the County Supplementary Retailers' Occupation Tax is imposed on oil field exploration, drilling and production equipment; coal exploration, mining, off highway hauling, processing, maintenance and reclamation; and the expanded pollution control facilities and manufacturing machinery and equipment exemptions for businesses located within an enterprise zone that are exempt under Sections 1, 1e and 2 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440d, 440e and 441).
- b) Examples of Exemptions from County Supplementary Retailers' Occupation

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Tax that are not exempt from other Local Sales Taxes or in which such Local Governments can Reimpose.

- 1) Food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use are not subject to the County Supplementary Retailers' Occupation Tax even though the sale of such tangible personal property by a retailer is subject to the Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax and the Metro-East Retailers' Occupation Tax or Regional Transportation Authority Retailers' Occupation Tax, if applicable. The administration of this Section shall be in accordance with 86 Ill. Adm. Code 130.310.Subpart B.

- 2) The sale of machinery and equipment used in the manufacturing process, production agriculture and graphic arts production, is exempt from County Supplementary Retailers' Occupation Tax even though municipalities, mass transit districts (where applicable) and counties, when imposing the County Retailers' Occupation Tax in unincorporated areas of the county, can reimpose such taxes, respectively. This is also true for such sales by a retailer of tangible personal property to a common carrier by rail which transports such tangible personal property outside Illinois for use outside this State on a uniform bill of lading showing seller or shipper as consignor and the sale of any petroleum products to a purchaser if the seller or retailer is prohibited by Federal law from charging the tax to the purchaser.

Section 600.110 Registration and Returns

- a) Separate Registration not Required
A retailer's registration under the Illinois Retailers' Occupation Tax Act is sufficient for the County Supplementary Retailers' Occupation Tax. No special registration for the County Supplementary Retailers' Occupation Tax is required.

- b) Requirements as to Returns
1) Every retailer must file a return each month for each county which has a County Supplementary Retailers' Occupation Tax in effect that month if the retailer is engaged in the business of selling tangible personal property at retail within that district: Provided that if the retailer is permitted to file his Illinois Retailers' Occupation Tax returns quarterly, his County Supplementary Retailers' Occupation Tax returns shall also be filed quarterly; and provided that if the retailer is permitted to file his Illinois Retailers' Occupation Tax returns annually, his County Supplementary Retailers' Occupation Tax returns shall also be filed annually. However, the information required for

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

the County Supplementary Retailers' Occupation Taxes may be furnished on the retailer's Illinois Retailers' Occupation Tax return form in the additional space that is provided on that form for reporting County Supplementary Retailers' Occupation Tax information.

- 2) If the retailer files his Illinois Retailers' Occupation Tax returns on the gross receipts basis, he must report County Supplementary Retailers' Occupation Tax information in his returns on the same basis. If the retailer files his Illinois Retailers' Occupation Tax returns on the gross sales basis, he must report County Supplementary Retailers' Occupation Tax information in his returns on the gross sales basis.
- 3) Retailers required to make payment on the 7th, 15th, 22nd and last day of the month during which liability is incurred as provided in Section 3 of the Retailers' Occupation Tax Act, are not required to make such quarter-monthly payments of County Supplementary Retailers' Occupation Tax.

- c) Deduction for Collecting County Supplementary Retailers' Occupation Tax
The 2.1% deduction from the tax allowed to retailers when remitting Illinois Retailers' Occupation Tax or Use Tax with a duly filed return is also available for the County Supplementary Retailers' Occupation Tax, if duly filed. (See Ill. Rev. Stat. 1987, ch. 34, par. 409.1(a) and ch. 120, par. 442.)

Section 600.115 Claims to Recover Erroneously Paid Tax

- a) Incorporation by Reference
The provisions of Subpart O of the Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130.Subpart O) shall apply to the extent specified in Section 600.125 of this Part.

- b) Separate Claim Required for Each Tax
If the claimant files a claim for some State, some Municipal or County Retailer's Occupation Tax, some Metro-East Mass Transit District or Regional Transportation Authority (RTA) Retailers' Occupation Tax, some Water Commission Retailers' Occupation Tax and some County Supplementary Retailers' Occupation Tax paid erroneously as to the same transactions, the claims will be audited, heard or otherwise processed together whenever practicable. However, the amount of the State tax, the amount of the Municipal or County Retailers' Occupation Tax, some Metro-East Mass Transit District or Regional Transportation Authority Retailers' Occupation Tax, some Water Commission Retailers' Occupation Tax and some County Supplementary Retailers' Occupation Tax, or the amount of County Supplementary Retailers' Occupation Tax must be claimed separately, and separate credit memoranda will be issued if such claims are approved.

- c) Use of Credit Memoranda
Since County Supplementary Retailers' Occupation Tax is separate from every other municipality's or county's Retailers' Occupation Tax, any

NOTICE OF ADOPTED RULES

given credit memorandum for the erroneous payment of a County Supplementary Retailers' Occupation Tax may be used by the claimant or his authorized assignee only to pay further County Supplementary Retailers' Occupation Tax liability (County Supplementary Retailers' Occupation Tax or County Supplementary Service Occupation Tax), due to such county.

d) Prohibition Against Unjust Enrichment

A claim for County Supplementary Retailers' Occupation Tax credit or refund cannot be sustained unless the claimant establishes (among other things) that he has borne the burden of such County Supplementary Retailers' Occupation Tax in the first instance or that he has unconditionally repaid such amount to his vendee to whom he had shifted the burden of such amount, and (in the latter event) that such vendee did not shift the burden of such amount to his customer or has unconditionally repaid such amount to his customer.

e) Refunds

The Department shall award the claimant a refund unless the claimant requests, in writing, that a credit memorandum be issued. Whenever the Department determines that a refund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the Comptroller, who will cause the warrant to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County Retailers' Occupation Tax fund.

Section 600.120 Jurisdictional Questions

a) Mere Solicitation of Orders Not Doing Business

1) For a seller to incur County Supplementary Retailers' Occupation Tax liability in the county which imposes such tax, the sale must be made in the course of such seller's engaging in the retail business within such county. In other words, enough of the selling activity must occur within such county to justify concluding that the seller is engaged in business within such county with respect to that sale.

2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a county as the taxing jurisdiction as much as to the State as the taxing jurisdiction.

b) Seller's Acceptance of Order

1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase

NOTICE OF ADOPTED RULES

order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the county which imposes the County Supplementary Retailers' Occupation Tax or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (f) and (g) of this Section, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within such county or by someone working out of such place of business, the seller incurs County Supplementary Retailers' Occupation Tax liability in such county if the sale is at retail and the purchaser receives the physical possession of the property in Illinois.

2) The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.

3) Regardless of the place at which the purchase order is accepted, where tangible personal property is located within the county which imposes such tax at the time of its sale (or is subsequently produced in such county) then delivered in Illinois to the purchaser, and no county outside such county in this State would receive or would have the power to impose a County Supplementary Retailers' Occupation Tax with respect to such sale, the seller will be considered to be engaged in business in such county for County Supplementary Retailers' Occupation Tax purposes with respect to such sale.

c) Some Considerations Which are Not Controlling

1) Delivery of the property within a county to the purchaser is not necessary for the seller to incur County Supplementary Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for inter-county commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the county for the seller to be regarded as being engaged in the business of selling within the county with respect to that sale. The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs County Supplementary Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the county" in Section 25.05-2a of the County Supplementary Retailers' Occupation Tax Act refers only to the location of the occupation of selling that is being taxed and not

2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs County Supplementary Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the county" in Section 25.05-2a of the County Supplementary Retailers' Occupation Tax Act refers only to the location of the occupation of selling that is being taxed and not

NOTICE OF ADOPTED RULES

- d) to the place where sales may be made.
- e) Place of Business Where Long Term or Blanket Contracts are Involved
Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for County Supplementary Retailers' Occupation Tax purposes with respect to such orders.
- f) Sales Through Vending Machines
The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.
- g) Sales From Vehicles Carrying Uncommitted Stock of Goods
The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made--the vehicle carrying such stock of goods for sale being regarded as a portable place of business.
- h) Sales of Coal or Other Minerals

- 1) For the purpose of determining whether the County Supplementary Retailers' Occupation Tax is applicable for a retail sale by a producer of coal or other mineral mined in Illinois, the sale is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth.
- 2) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.
- 3) A mineral mined in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to railroads or other carriers for their own use outside Illinois if the purchasing carrier takes delivery of the property in Illinois and transports it over its own line to an out-of-State destination.
- 4) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the County Supplementary Retailers' Occupation Tax on the sale will be applicable if the retailer is located in the county which imposes the County Supplementary Retailers' Occupation Tax.

NOTICE OF ADOPTED RULES

Section 600.125 Incorporation of Retailers' Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130), (whether characterized as Rules, Articles, Subparts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to rate, Subpart E as it pertains to the deduction for collecting tax, Subpart O as it pertains to use of a credit memorandum to discharge any State or municipal tax liability, are incorporated herein by reference and made a part hereof.

Section 600.130 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 25.05-2a of the County Supplementary Retailers' Occupation Tax Act as under the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.).

Section 600.135 Effective Date

- a) When a given County Supplementary Retailers' Occupation Tax goes into effect, it applies to sales made in the course of the seller's engaging in the business of selling tangible personal property at retail within the taxing county as of the first day of July after a county's ordinance or resolution imposing the County Supplementary Retailers' Occupation Tax has been adopted and a certified copy filed with the Department. However, in order for a county to impose or discontinue the County Supplementary Retailers' Occupation Tax in the same year that the ordinance or resolution imposing or discontinuing the tax was adopted and filed with the Department, the ordinance or resolution must be adopted and filed before April 1st of that year. If the ordinance or resolution is adopted and filed after April 1st of any year by a county, the County Supplementary Retailers' Occupation Tax shall become effective the first day of July of the year immediately following the adoption and filing of the ordinance or resolution. For this purpose, the date of the sale is deemed to be the date of the delivery of the property. If delivery occurs after the effective date, in a transaction in which receipts were received before the effective date and tax was paid on such receipts when received by the seller in accordance with Section 130.430 of the Retailers' Occupation Tax Regulations, no County Supplementary Retailers' Occupation Tax will be due because of the delivery of the property occurring after the effective date.
- b) Furthermore, in the case of sales of building materials to real estate improvement construction contractors for use in performing

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

construction contracts for third persons, if such property is delivered to the contractor after the effective date of a rate increase but will be used in performing a binding construction contract which was entered into before the effective date of the increase and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, the applicable tax rate will be the rate which was in effect before the effective date of the rate increase. Before a supplier may deliver materials to a construction contractor after the effective date of a tax rate increase at the rate which was in effect prior thereto, the purchasing contractor must give such supplier a written, signed certification stating that specifically described materials are being purchased for use in performing a binding contract which was entered into before the effective date of the rate increase (specifying such date) and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, identifying the contractor's construction in question by its date and by naming the contractor's construction work involved, and by giving the location of the job site where the construction contract is being performed or is to be performed.

c) The same rule applies when determining the effective date of an increase in the rate of a Municipal or County Retailers' Occupation Tax.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

1) Heading of the Part: County Supplementary Service Occupation Tax

2) Code Citation: 86 Ill. Adm. Code 610

<u>Section Numbers:</u>	<u>Adopted Action:</u>
610.101	New Section
610.105	New Section
610.110	New Section
610.115	New Section
610.120	New Section
610.125	New Section
610.130	New Section
610.135	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 34, par. 409.2(a)

5) Effective Date of Rules: June 6, 1989

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

7) Do these rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 6, 1989

9) Notice of Proposal Published in Illinois Register:

February 3, 1989, 13 Ill. Reg. 1460
(issue date)

10) Has JCAR issued a Statement of Objections to these Rules?: No

11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In the Authority note, deleted the parentheses around the "a" in the paragraph number in the first citation and also to the citation in Section 610.101(b).
2. The word Regulations was deleted from the heading of the Part."
3. In Section 610.101(b), changed the Code citation in line 5 to 86 Ill. Adm. Code 140. Subpart M.
4. In Section 610.101(b), last line, defined "Department".
5. In Section 610.101(d)(2), added the title of the Act in front of the

statutory citation and corrected the citation as noted in comment #1 above.

6. In Section 610.105(a)(2), specified the Section and Title of the Act to which the statutory citation corresponds.
7. In Section 610.105(b)(1) changed the comma in the Code citation in the last line to a period.
8. In Section 610.110(a), deleted "Section 25.05-3(a) of" from lines 3-4 and also to Sections 610.115(d) and 610.130.
9. In Section 610.115(a), changed the Code citation to "86 Ill. Adm. Code 140. Subpart N."

At the request of the Joint Committee on Administrative Rules, the following changes were made:

1. Provided a cross-reference to the applicable schedule by adding the following text to Section 610.101(b): "(see 86 Ill. Adm. Code 150. Table A)".
2. Placed the text up to the words "for human use" in Section 610.105(b)(1) in distinguishing type.

3. Added the following text to Section 610.115(b):

However, the amount of the State tax, the amount of the Municipal or County Service Occupation Tax, some Regional Transportation Authority Service Occupation Tax or some County Supplementary Service Occupation Tax must be claimed separately and separate credit memoranda will be issued.

4. Replaced the citation in Section 610.105(b)(1) from "86 Ill. Adm. Code 140.101 Subpart A" to "86 Ill. Adm. Code 140.101".

5. Added the words "credit or refund" after "Occupation Tax" in the first line of Section 610.115(d).

6. Included the following text:

(a) In Section 610.101(b), last line, added the following text after "Department;" of Revenue (Department)".

(b) In Section 610.101(d)(2), added before the statutory citation: "County Supplementary Service Occupation Tax Act".

(c) In Section 610.105(a)(2) after "0%", added "by Section 3 of the Service Occupation Tax Act".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): Regulations implementing the 1/4 percent County Supplementary Service Occupation Tax, including such exemptions and penalties.
- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Rule(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUEPART 610
COUNTY SUPPLEMENTARY SERVICE OCCUPATION TAX

Section 610.101	Nature and Rate of the County Supplementary Service Occupation Tax
610.105	Exemptions from the County Supplementary Service Occupation Tax
610.110	Registration and Returns
610.115	Claims to Recover Erroneously Paid Tax
610.120	Jurisdictional Questions
610.125	Incorporation of Service Occupation Tax Regulations by Reference
610.130	Penalties, Interest and Procedures
610.135	Effective Date

AUTHORITY: Implementing the County Supplementary Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.2a) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 13 Ill. Reg. 9348, effective June 6, 1989.

Section 610.101 Nature and Rate of the County Supplementary Service Occupation Tax

- a) **Authority to Impose The Tax**
A county of less than 3,000,000 inhabitants is authorized to impose a tax upon all persons engaged in the business of making sales of service at the rate of 1/4 of 1% of the cost price of tangible personal property transferred by such servicemen or persons either in the form of tangible personal property or in the form of real estate as an incident to a sale of service.

- b) **Passing on the Tax**
Suppliers of servicemen are required to collect the County Supplementary Service Occupation Tax (when applicable) from purchasing servicemen except when they can appropriately assume the accountability for self-assessing the tax under Subpart M of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140-Subpart M). The legal incidence of the County Supplementary Service Occupation Tax (Ill. Rev. Stat. 1987, ch. 34, par. 409.2a) is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their serviceman's County Supplementary Service Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.31 et seq.), pursuant to such bracket

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

schedules as the Department of Revenue (Department) may prescribe (see 86 Ill. Adm. Code 150-Table A).

- c) **Exclusion from "Cost Prices"**
Any amount added by a supplier to the cost price of tangible personal property sold to a serviceman for retransfer as an incident to service because of the County Supplementary Retailers' Occupation Tax or because of the Service Occupation Tax (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101 et seq.), and reimbursing amounts collected pursuant to the Municipal Service Occupation Tax or County Service Occupation Tax, the Water Commission Service Occupation Tax or Regional Transportation Authority Service Occupation Tax or Metro-East Mass Transit District Service Occupation Tax (where applicable) and collected from the purchasing serviceman, shall not be regarded as a part of the cost prices which are subject to such County Supplementary Service Occupation Tax.
- d) **Ordinance or Resolution Adopting Tax**
1) A county imposing or discontinuing the County Supplementary Service Occupation Tax shall pass and approve an ordinance or resolution adopting or repealing such tax. A certified copy thereof shall be filed with the Department on or before the first day of April of the year of application. The Department shall proceed to administer and enforce such tax on behalf of the county as of the first day of July immediately following the adoption and filing of the ordinance or resolution by the county.
2) Any ordinance or resolution filed after the April 1st deadline of any year will be administered and enforced on behalf of the county by the Department on the first day of July of the year immediately following the year in which the ordinance or resolution was filed with the Department. County Supplementary Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.2a).

Section 610.105 Exemptions from the County Supplementary Service Occupation Tax

- a) **Exemptions Similar to Service Occupation Tax**
1) Generally, the County Supplementary Service Occupation Tax contains the same exemptions found in the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101 et seq.). However, those exemptions from the Service Occupation Tax that are not located in Section 3 of the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.103) are not applicable to the County Supplementary Service Occupation Tax.
2) Specifically, the County Supplementary Service Occupation Tax is imposed on oil field exploration, drilling and production equipment and coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, that incurs Service Occupation Tax at a rate of 0% by Section 3 of the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par.

439.103); and the use or consumption of tangible personal property used or consumed in the operation of pollution control facilities and manufacturing machinery and equipment for businesses located within an enterprise zone, even though such tangible personal property is exempt from the Service Occupation Tax pursuant to Sections 1(d) and 1(e) of the Retailers' Occupation Tax Act that are incorporated into Section 12 of the Service Occupation Tax Act by reference. (See Ill. Rev. Stat. 1987, ch. 120, par. 439.112.)

- b) Examples of Exemptions from the County Supplementary Service Occupation Tax that are not Exempt from other Local Sales Taxes or in which such Local Governments can Reimpose

1) *Food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use are not subject to the County Supplementary Service Occupation Tax on the transfer of tangible personal property as an incident to a sale of service even though the sale of such tangible personal property by a serviceman is subject to the Municipal Service Occupation Tax or County Service Occupation Tax and the Metro-East Service Occupation Tax or Regional Transportation Authority Service Occupation Tax, if applicable. The administration of this Section shall be in accordance with 86 Ill. Adm. Code 140.101.*

2) The sale of machinery and equipment used in the manufacturing process, production agriculture and graphic arts production is exempt from County Supplementary Service Occupation Tax even though municipalities, mass transit districts, where applicable, and counties when imposing the County Service Occupation Tax in unincorporated areas of the county can reimpose such taxes, respectively. This is also true for such sales by a serviceman who transfers tangible personal property incidental to providing a service to a common carrier by rail which transports such tangible personal property outside Illinois for use outside this State on a uniform bill of lading showing seller or shipper as consignor and the sale of any petroleum products to a purchaser if the seller or serviceman is prohibited by Federal law from charging the tax to the purchaser.

Section 610.110 Registration and Returns

- a) A serviceman's registration under the Service Occupation Tax Act or the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.) is sufficient for the purposes of the County Supplementary Service Occupation Tax. No special registration for the County Supplementary Service Occupation Tax is required.

- b) Every taxpayer must file a return each month for each county which has a County Supplementary Service Occupation Tax. However, the information required for the County Supplementary Service Occupation Taxes may be furnished on the taxpayer's Service Occupation Tax return form in the additional space that is provided on that form for reporting the County Supplementary Service Occupation Tax information.

Section 610.115 Claims to Recover Erroneously Paid Tax

- a) Incorporation by Reference

The provisions of Subpart N of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140. Subpart N) shall apply to the extent specified in Section 610.125 of this Part.

- b) Separate Claim Required for Each Tax

If the claimant files a claim for some State, some County and some Municipal Service Occupation Tax, some Metro-East Mass Transit District Service Occupation Tax or Regional Transportation Authority Service Occupation Tax, some Water Commission Retailers' Occupation Tax and some County Supplementary Service Occupation Tax paid erroneously as to the same transactions, the claims will be audited, heard or otherwise processed together whenever practicable. However, separate credit memoranda will be issued if such claims are approved. However, the amount of the State tax, the amount of the Municipal or County Service Occupation Tax, some Regional Transportation Authority Service Occupation Tax or some County Supplementary Service Occupation Tax must be claimed separately and separate credit memoranda will be issued.

- c) Use of Credit Memoranda

Any given credit memorandum for the erroneous payment of County Supplementary Service Occupation Tax may be used by the claimant or his authorized assignee only to pay further County Supplementary Service Occupation or County Supplementary Retailers' Occupation Tax due.

- d) Prohibition Against Unjust Enrichment

A claim for a County Supplementary Service Occupation Tax credit or refund cannot be sustained unless the claimant establishes (among other things) that he has borne the burden of such County Supplementary Service Occupation Tax in the first instance or that he has unconditionally repaid such amount to his vendee to whom he had shifted the burden of such amount, and (in the latter event) that such vendee did not shift the burden of such amount to his customer or has unconditionally repaid such amount to his customer. The incorporation of Section 17 of the Service Occupation Tax into the County Supplementary Service Occupation Tax Act by reference carries with it the principle against unjust enrichment provided for with respect to the Service Occupation Tax when a claim for credit of that kind of tax is disposed of in accordance with Section 17 of the Service Occupation Tax Act.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

e) Refunds

The Department shall award the claimant a refund unless the claimant requests, in writing, that a credit memorandum be issued. Whenever the Department determines that a refund should be made to a claimant instead of issuing a credit memorandum, the Department will notify the Comptroller, who will cause the warrant to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County Retailers' Occupation Tax fund.

Section 610.120 Jurisdictional Questions

- a) If the Service Occupation Tax is collected on the transaction by the supplier from the purchasing serviceman for remittance to the Department by such supplier, the supplier shall also collect and remit County Supplementary Service Occupation Tax on the transaction if the supplier's place of business is located in the county and such County Supplementary Service Occupation Tax rate shall be determined by the supplier's county.
- b) If the Service Occupation Tax on a transaction is being remitted directly to the Department by the serviceman rather than by a supplier, the serviceman shall also pay County Supplementary Service Occupation Tax to the Department on the same transaction if such serviceman's place of business is located in a county that imposes the County Supplementary Service Occupation Tax. This is true whether the serviceman bought the property in Illinois or outside Illinois.

Section 610.125 Incorporation of Service Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Service Occupation Tax Regulations (86 Ill. Adm. Code 140), (whether characterized as Regulations, Articles, Subparts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to rate, Subpart D as it pertains to the deduction for collecting tax, Subpart N as it pertains to the use of a credit memorandum to discharge State or Municipal Tax liability, are incorporated herein by reference and made a part hereof.

Section 610.130 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under the County Supplementary Service Occupation Tax Act as under the Service Occupation Tax Act.

Section 610.135 Effective Date

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

When a given County Supplementary Service Occupation Tax goes into effect, it applies to sales of service made in the course of the serviceman's engaging in the business of selling services within the taxing county as of the first day of July after a county's ordinance or resolution imposing the County Supplementary Service Occupation Tax has been adopted and a certified copy filed with the Department. However, in order for a county to impose or discontinue the County Supplementary Service Occupation Tax in the same year that the ordinance or resolution imposing or discontinuing the tax was adopted and filed with the Department, the ordinance or resolution must be adopted and filed before April 1st of that year. If the ordinance or resolution is adopted and filed after April 1st of any year by a county, the Supplementary Service Occupation Tax shall become effective the first day of July of the year immediately following the adoption and filing of the ordinance or resolution.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

1) Heading of the Part: County Supplementary Use Tax

2) Code Citation: 86 Ill. Adm. Code 620

3) Section Numbers:
 620.101 New Section
 620.105 New Section
 620.110 New Section
 620.115 New Section
 620.120 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 34, par. 409.10(a)

5) Effective Date of Rules: June 6, 1989

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

7) Does these rules contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 6, 1989

9) Notice of Proposal Published in Illinois Register:

February 3, 1989, 13 Ill. Reg. 1468
 (issue date)

10) Has JCAR issued a Statement of Objections to these Rules?: No

11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In the Authority note, deleted the parentheses around the "a" in the paragraph number in the first citation and also to the citation in Section 610.101(b).

2. The word Regulations was deleted from the Heading of the Part.

3. In Section 620.101, added a statutory citation to the Use Tax Act and added the title of the Act in front of the statutory citation in the last line.

4. In Section 620.105(a), specified the Section of the Act which corresponds to the paragraph in the statutory citation. In addition, deleted the hyphen in the chapter number in the statutory citation.

5. In Section 620.105(b) and (c), specified the Section and title of

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

the Act in front of the statutory citation. Also, deleted the hyphen in the chapter number.

6. In Section 620.115, deleted "Section 25.05-10(a) of" from lines 5-6.

At the request of the Joint Committee on Administrative Rules, the following changes were made:

1. Included the following text:

a) In Section 620.101, deleted the words "the 'Use Tax Act', approved July 14, 1955, as amended" and inserted in lieu thereof "Section 2 of the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.2)

b) In Section 620.105(b) and (c), deleted the hyphens in the chapter number of the statutory citations, the periods will be placed after the statutory citations and "Section 1-130 and 1-191 of the Illinois Vehicle Code," respectively, will be placed before the statutory citations in subsections (b) and (c).

c) In Section 620.120, all paragraphs were combined into one paragraph.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s): Regulations implementing the 1/4 percent County Supplementary Use Tax, including such exemptions and penalties.

16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
 Administrator
 Legal Services Bureau
 Illinois Department of Revenue
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6336

The full text of the Adopted Rule(s) begins on the next page:

TITLE 86: REVENUECHAPTER 1: DEPARTMENT OF REVENUE

PART 620COUNTY SUPPLEMENTARY USE TAX

Section 620.101	Nature and Rate of the County Supplementary Use Tax
620.105	Items Covered
620.110	Incorporation of Use Tax Regulations by Reference
620.115	Penalties, Interest and Procedures
620.120	Effective Date

AUTHORITY: Implementing the County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10a) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 13 Ill. Reg. 9357, effective June 6, 1989.

Section 620.101 Nature and Rate of the County Supplementary Use Tax

The county board of a county with less than 3,000,000 inhabitants may impose a tax upon the privilege of using, in such county, any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of this State's government, at a rate of 1/4 of 1% of the selling price of such tangible personal property, as "selling price" is defined in Section 2 of the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.2). Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the area of such county. Such tax shall be collected by the Department of Revenue, hereinafter referred to as the Department, for any county imposing such tax. Such tax must be paid to the State, or an exemption determination must be obtained from the Department, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration. County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10(a)).

Section 620.105 Items Covered

Items which are titled or registered with the State are motor vehicles, aircraft, motorboats, sailboats exceeding 12 feet in length, snowmobiles, and implements of husbandry and special mobile equipment for which the owner decides to apply for an optional title. For the purposes of this Regulation:

a) The term "motor vehicle" includes passenger cars, trucks, buses,

TITLE 86: REVENUECHAPTER 1: DEPARTMENT OF REVENUE

PART 620COUNTY SUPPLEMENTARY USE TAX

Section 620.101	Nature and Rate of the County Supplementary Use Tax
620.105	Items Covered
620.110	Incorporation of Use Tax Regulations by Reference
620.115	Penalties, Interest and Procedures
620.120	Effective Date

AUTHORITY: Implementing the County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10a) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 13 Ill. Reg. 9357, effective June 6, 1989.

Section 620.101 Nature and Rate of the County Supplementary Use Tax

The county board of a county with less than 3,000,000 inhabitants may impose a tax upon the privilege of using, in such county, any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of this State's government, at a rate of 1/4 of 1% of the selling price of such tangible personal property, as "selling price" is defined in Section 2 of the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.2). Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the area of such county. Such tax shall be collected by the Department of Revenue, hereinafter referred to as the Department, for any county imposing such tax. Such tax must be paid to the State, or an exemption determination must be obtained from the Department, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration. County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10(a)).

Section 620.105 Items Covered

Items which are titled or registered with the State are motor vehicles, aircraft, motorboats, sailboats exceeding 12 feet in length, snowmobiles, and implements of husbandry and special mobile equipment for which the owner decides to apply for an optional title. For the purposes of this Regulation:

a) The term "motor vehicle" includes passenger cars, trucks, buses,

TITLE 86: REVENUECHAPTER 1: DEPARTMENT OF REVENUE

PART 620COUNTY SUPPLEMENTARY USE TAX

Section 620.101	Nature and Rate of the County Supplementary Use Tax
620.105	Items Covered
620.110	Incorporation of Use Tax Regulations by Reference
620.115	Penalties, Interest and Procedures
620.120	Effective Date

AUTHORITY: Implementing the County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10a) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 13 Ill. Reg. 9357, effective June 6, 1989.

Section 620.101 Nature and Rate of the County Supplementary Use Tax

The county board of a county with less than 3,000,000 inhabitants may impose a tax upon the privilege of using, in such county, any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of this State's government, at a rate of 1/4 of 1% of the selling price of such tangible personal property, as "selling price" is defined in Section 2 of the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.2). Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the area of such county. Such tax shall be collected by the Department of Revenue, hereinafter referred to as the Department, for any county imposing such tax. Such tax must be paid to the State, or an exemption determination must be obtained from the Department, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration. County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10(a)).

Section 620.105 Items Covered

Items which are titled or registered with the State are motor vehicles, aircraft, motorboats, sailboats exceeding 12 feet in length, snowmobiles, and implements of husbandry and special mobile equipment for which the owner decides to apply for an optional title. For the purposes of this Regulation:

a) The term "motor vehicle" includes passenger cars, trucks, buses,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Section 620.120 Effective Date

When a given County Supplementary Use Tax goes into effect, it applies to purchases made as of the first day of July after such county's ordinance or resolution imposing the County Supplementary Use Tax has been adopted and a certified copy filed with the Department. However, in order for a county to impose or discontinue the County Supplementary Use Tax in the same year that the ordinance or resolution imposing or discontinuing the tax was adopted and filed with the Department, the ordinance or resolution must be adopted and filed before April 1st of that year. If the ordinance or resolution is adopted and filed after April 1st of any year by a county, the Supplementary Use Tax shall become effective the first day of July of the year immediately following the adoption and filing of the ordinance or resolution. For this purpose, the date of the purchase is deemed to be the date of delivery of the property to the purchaser.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

1) Heading of the Part: County Water Commission Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 6303) Section Numbers:

630.101	<u>Adopted Action:</u>
630.105	New Section
630.110	New Section
630.115	New Section
630.120	New Section
630.125	New Section
630.130	New Section
630.135	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(b)5) Effective Date of Rules: June 6, 19896) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒7) Does this rule contain incorporations by reference? No8) Date Filed in Agency's Principal Office: June 6, 19899) Notice of Proposal Published in Illinois Register:

February 3, 1989, 13 Ill. Reg. 1473
(issue date)

10) Has JCRC issued a Statement of Objections to these Rules? No11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. In the Authority note, re-wrote the first part of the authority note as follows:

AUTHORITY: Implementing Section 4(b) of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(b)...

2. The word Regulations was deleted from the Heading of the Part.

3. In Section 630.101(b), added a statutory citation to the Use Tax Act; defined "Department" and changed the comma in the Code citation to a period.

4. In Sections 630.101(d) and 630.105(a), specified the Section and

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

title of the Act.

5. In Section 630.115(a), changed the Code citation to "86 Ill. Adm. Code 130, Subpart O."
6. In Section 630.120(a)(1), defined "Commission".
7. In Section 630.120(b)(1), lines 11-12, changed "Sections (f) and (g) of this Regulation" to "subsections (f) and (g) of this Section".

Pursuant to the request of the Joint Committee on Administrative Rules, the following changes were made:

1. Added the following text to Section 630.101(b): "(see 86 Ill. Adm. Code 150, Table A)".
2. Placed the text up to the words "for human use" in Section 630.105(b)(1) in distinguishing type.
3. Added the following text to Section 630.115(b):

However, the amount of the State tax, the amount of the Municipal or County Service Occupation Tax, some Regional Transportation Authority Service Occupation Tax or some County Supplementary Service Occupation Tax must be claimed separately and separate credit memoranda will be issued.

4. Cited Section 4(b) of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(b)) as its statutory authority for this rulemaking and deleted the reference to the "County Water Commission Retailers' Occupation Tax Act" (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 253).
5. Added the words "credit or refund" after "Occupation Tax" in the first line of Section 630.115(d).
6. Included the following text:

- a) In Section 630.101(b), added the following text after Department: "of Revenue (Department)", and added the following text after "Use Tax Act": (Ill. Rev. Stat. 1987, ch. 120, par. 439 et seq.) and the period within the Administrative Code citation was put outside the parenthetical.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

- b) In Section 630.105(a), added in the parenthetical of the statutory citation: "Section 2 of the Retailers' Occupation Tax Act,".

- c) In Section 630.120(b)(1), placed in lieu of the word "Commission": "County Water Commission (Commission)."

7. Placed the period after rather than within the parenthetical in Section 630.105(a).

8. Put "Act" after "Tax" and before the statutory citation in the second sentence of Section 630.105(a).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rule replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rule(s): Regulations implementing the 1/4 percent County Water Commission Retailers' Occupation Tax, including such exemptions and penalties.

- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 630
COUNTY WATER COMMISSION RETAILERS' OCCUPATION TAX

Section 630.101	Nature and Rate of the County Water Commission Retailers' Occupation Tax
630.105	Exemptions from the County Water Commission Retailers' Occupation Tax
630.110	Registration and Returns
630.115	Claims to Recover Erroneously Paid Tax
630.120	Jurisdictional Questions
630.125	Incorporation of Retailers' Occupation Tax Regulations by Reference
630.130	Penalties, Interest and Procedures
630.135	Effective Date

AUTHORITY: Implementing Section 4(b) of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(b)) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 13 Ill. Reg. 9362, effective June 6, 1989.

Section 630.101 Nature and Rate of the County Water Commission Retailers' Occupation Tax

- a) **Authority to Impose Tax**
The Board of Commissioners of a County Water Commission is authorized to impose a County Water Commission Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the territory of the Commission as defined in Section 2 of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 252), at a rate not to exceed 1/4% of the gross receipts from such sales made in the course of such business within the territory. Presently, the County Water Commission Retailers' Occupation Tax is only imposed by the DuPage Water Commission and no other Commission has the authority.

- b) **Passing on the Tax**
The legal incidence of the County Water Commission Retailers' Occupation Tax is on the seller. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their seller's County Water Commission Retailers' Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with the State tax which sellers are required to collect under the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439 et seq.) and the additional charge authorized under the provisions of the Municipal

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Retailers' Occupation Tax or County Retailers' Occupation Tax, the Regional Transportation Authority Retailers' Occupation Tax and the County Supplementary Retailers' Occupation Tax pursuant to such bracket schedules as the Department of Revenue (Department) may prescribe (See 86 Ill. Adm. Code 150. Table A).

- c) **Exclusion from Gross Receipts**
Any amount added to the selling price of tangible personal property by the seller because of a County Water Commission Retailers' Occupation Tax or because of the Retailers' Occupation Tax, Use Tax, Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax, the Regional Transportation Authority Retailers' Occupation Tax and the County Supplementary Retailers' Occupation Tax and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to such County Water Commission Retailers' Occupation Tax.

- d) **Ordinance Imposing Tax**
Any ordinance imposing a County Water Commission Retailers' Occupation Tax or effecting a change in the rate thereof shall be effective on the first day of the calendar month next following the publication of such ordinance in a newspaper of general circulation in the territory and the filing of a certified copy of such ordinance with the State Department of Revenue, whereupon the Department of Revenue shall proceed to administer and enforce Section 4 of the County Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 254) on behalf of the County Water Commission as of the effective date of the ordinance.

Section 630.105 Exemptions from the County Water Commission Retailers' Occupation Tax

- a) **Exemptions Similar to the Retailers' Occupation Tax**
Generally, the County Water Commission Retailers' Occupation Tax contains the same exemptions as found in the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 440 et seq.). However, those exemptions from the Retailers' Occupation Tax that are not located in Section 2 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 441) are not applicable to the County Water Commission Retailers' Occupation Tax. Specifically, the County Water Commission Retailers' Occupation Tax is imposed on oil field exploration, drilling and production equipment and coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, that incurs Retailers' Occupation Tax at a rate of 0% (Section 2 of the Retailers' Occupation Tax Act, Ill. Rev. Stat. 1987, ch. 120, par. 441); and the use or consumption of tangible personal property used or consumed in the operation of pollution control facilities and manufacturing machinery and equipment for businesses located within an enterprise zone, even though such tangible personal property is exempt from the Retailers' Occupation Tax pursuant to Sections 1(d) and 1(e) of such Act. (See Ill. Rev. Stat. 1987, ch. 120, par. 440(d) and

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

440(e)).

- b) Examples of Exemptions from County Water Commission Retailers' Occupation Tax that are not Exempt from other Local Sales Taxes or in which such Local Governments can Reimpose

1) Food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use are not subject to the County Water Commission Retailers' Occupation Tax even though the sale of such tangible personal property by a retailer is subject to the Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax and the Metro-East Retailers' Occupation Tax or Regional Transportation Authority Retailers' Occupation Tax, if applicable. The administration of this Section shall be in accordance with 86 Ill. Adm. Code 130.310.

2) The sale of machinery and equipment used in the manufacturing process, production agriculture and graphic arts production is exempt from the County Water Commission Retailers' Occupation Tax even though municipalities, mass transit districts, where applicable, and counties when imposing the County Retailers' Occupation Tax in unincorporated areas of the County can reimpose such taxes, respectively. This is also true for such sales by a retailer of tangible personal property to a common carrier by rail who transports such tangible personal property outside Illinois for use outside this State on a uniform bill of lading showing the seller or shipper as consignor and the sale of any petroleum products to a purchaser if the seller or retailer is prohibited by Federal law from charging the tax to the purchaser.

Section 630.110 Registration and Returns

- a) Separate Registration not Required
A retailer's registration under the Illinois Retailers' Occupation Tax Act is sufficient for the County Water Commission Retailers' Occupation Tax. No special registration for County Water Commission Retailers' Occupation Tax is required.
- b) Requirements as to Returns

1) Every retailer must file a return each month if the retailer is engaged in the business of selling tangible personal property at retail in the territory of the Commission and such County Water Commission Retailers' Occupation Tax was in effect that month: Provided that if the retailer is permitted to file his Illinois Retailers' Occupation Tax returns quarterly, his County Water Commission Retailers' Occupation Tax returns shall also be filed quarterly; and provided that if the retailer is permitted to file his Illinois Retailers' Occupation Tax returns annually,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

his County Water Commission Retailers' Occupation Tax returns shall also be filed annually. However, the information required for the County Water Commission Retailers' Occupation Tax may be furnished on the retailers' Illinois Retailers' Occupation Tax return form in the additional space that is provided on that form for reporting County Water Commission Retailers' Occupation Tax information.

2) If the retailer files his Illinois Retailers' Occupation Tax returns on the gross receipts basis, he must report County Water Commission Retailers' Occupation Tax information in his returns on the same basis. If the retailer files his Illinois Retailers' Occupation Tax returns on the gross sales basis, he must report County Water Commission Retailers' Occupation Tax information in his returns on the gross sales basis.

3) Retailers required to make payment on the 7th, 15th, 22nd and last day of the month during which liability is incurred as provided in Section 3 of the Retailers' Occupation Tax Act, are not required to make such quarter-monthly payments of County Water Commission Retailers' Occupation Tax.

c) Deduction for Collecting Tax not Allowed to Retailer Against County Water Commission Retailers' Occupation Tax Liability
The deduction from the tax allowed to retailers when remitting Illinois Retailers' Occupation Tax or Use Tax with a duly filed return is not available for County Water Commission Retailers' Occupation Tax purposes, so the retailer (in remitting County Water Commission Retailers' Occupation Tax to the Department) should not take any deduction from it for the cost of handling and reporting the tax or because of any other cost.

Section 630.115 Claims to Recover Erroneously Paid Tax

- a) Incorporation by Reference
The provisions of Subpart 0 of the Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130. Subpart 0) shall apply to the extent specified in Section 630.125 of this Part.
- b) Separate Claim Required for Each Tax
If the claimant files a claim for some State, some Municipal or County Retailers' Occupation Tax, some Regional Transportation Authority Retailers' Occupation Tax, some County Supplementary Retailers' Occupation Tax and some County Water Commission Retailers' Occupation Tax, paid erroneously as to the same transactions, the claims will be audited, heard or otherwise processed together whenever practicable. However, the amount of the State tax, the amount of the Municipal or County Service Occupation Tax, some Regional Transportation Authority Service Occupation Tax or some County Supplementary Service Occupation Tax must be claimed separately, and separate credit memoranda will be issued if such claims are approved.
- c) Use of Credit Memoranda
Since County Water Commission Retailers' Occupation Tax is separate

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

from every other municipality's or county's Retailers' Occupation Tax, any given credit memorandum for the erroneous payment of a County Water Commission Retailers' Occupation Tax may be used by the claimant or his authorized assignee only to pay further County Water Commission Tax liability (County Water Commission Retailers' Occupation Tax or County Water Commission Service Occupation Tax), due such county.

- d) **Prohibition Against Unjust Enrichment**
- A claim for County Water Commission Retailers' Occupation Tax credit or refund cannot be sustained unless the claimant establishes (among other things) that he has borne the burden of such County Water Commission Retailers' Occupation Tax in the first instance or that he has unconditionally repaid such amount to his vendee to whom he had shifted the burden of such amount, and (in the latter event) that such vendee did not shift the burden of such amount to his customer or has unconditionally repaid such amount to his customer.

e) **Refunds**

The Department shall award the claimant a refund unless the claimant requests, in writing, that a credit memorandum be issued. Whenever the Department determines that a refund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the Comptroller, who will cause the warrant to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County Water Commission Tax Fund.

Section 630.120 Jurisdictional Questions

- a) **Mere Solicitation of Orders not Doing Business**
- 1) For a seller to incur County Water Commission Retailers' Occupation Tax liability in the territory of the Commission, the sale must be made in the course of such seller's engaging in the retail business within such territory. In other words, enough of the selling activity must occur within such territory to justify concluding that the seller is engaged in business within such territory with respect to that sale.
- 2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a county or territory of the Commission as the taxing jurisdiction as much as to the State as the taxing jurisdiction.
- b) **Seller's Acceptance of Order**
- 1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the territory of the County Water Commission (Commission) which imposes the County Water Commission Retailers' Occupation Tax or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of subsections (f) and (g) of this Section, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within such territory or by someone working out of such place of business, the seller incurs County Water Commission Retailers' Occupation Tax liability in such territory if the sale is at retail and the purchaser receives the physical possession of the property in Illinois.

- 2) The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.

- 3) Regardless of the place at which the purchase order is accepted, where tangible personal property is located within such territory at the time of its sale (or is subsequently produced in the territory) then delivered in Illinois to the purchaser, and no municipality or county outside such territory where the tangible personal property is located in this State would receive or would have the power to impose a County Water Commission Retailers' Occupation Tax with respect to such sale, the seller will be considered to be engaged in business in such territory for County Water Commission Retailers' Occupation Tax purposes with respect to such sale.

c) **Some Considerations Which are not Controlling**

- 1) Delivery of the property within the territory to the purchaser is not necessary for the seller to incur County Water Commission Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intercity commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the territory for the seller to be regarded as being engaged in the business of selling within the territory with respect to that sale.
- 2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs County Water Commission Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration

NOTICE OF ADOPTED RULES

since the phrase "in the territory" in Section 4 of the Water Commission Act of 1985 refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made.

- d) Place of Business Where Long Term or Blanket Contracts are Involved
Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for County Water Commission Retailers' Occupation Tax purposes with respect to such orders.

- e) Sales Through Vending Machines

The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.

- f) Sales From Vehicles Carrying Uncommitted Stock of Goods
The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made - the vehicle carrying such stock of goods for sale being regarded as a portable place of business.

- g) Sales of Coal or Other Minerals

- 1) For the purpose of determining whether the County Water Commission Retailers' Occupation Tax is applicable for a retail sale by a producer of coal or other mineral mined in Illinois, the sale is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth.
- 2) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.
- 3) A mineral mined in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., a sale in interstate commerce). This exemption does not extend, however, to sales to railroads or other carriers for their own use outside Illinois if the purchasing carrier takes delivery of the property in Illinois and transports it over its own line to an out-of-State destination.
- 4) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (retail sale) is the final sale to the user, and the County Water Commission Retailers' Occupation Tax on the sale will be applicable if the retailer is

NOTICE OF ADOPTED RULES

located in such territory that imposes a County Water Commission Retailers' Occupation Tax.

Section 630.125 Incorporation of Retailers' Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130), (whether characterized as Rules, Articles, Parts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to rate, Subpart E as it pertains to the deduction for collecting tax, Subpart O as it pertains to use of a credit memorandum to discharge any State or Municipal Tax liability, are incorporated herein by reference and made a part hereof.

Section 630.130 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 4(b) of the Water Commission Act of 1985 as under the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.).

Section 630.135 Effective Date

- a) When a given County Water Commission Retailers' Occupation Tax goes into effect, it applies to sales made in the course of the seller's engaging in the business of selling tangible personal property at retail within the taxing territory on or after the effective date of the ordinance imposing such tax. For this purpose, the date of the sale is deemed to be the date of the delivery of the property. If delivery occurs after the effective date, in a transaction in which receipts were received before the effective date and tax was paid on such receipts when received by the seller in accordance with Section 130.430 of the Retailers' Occupation Tax Regulations, no County Water Commission Retailers' Occupation Tax will be due because of the delivery of the property occurring after the effective date.
- b) Furthermore, in the case of sales of building materials to real estate improvement construction contractors for use in performing construction contracts for third persons, if such property is delivered to the contractor after the effective date of a rate increase but will be used in performing a binding construction contract which was entered into before the effective date of the increase and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, the applicable tax rate will be the rate which was in effect before the effective date of the rate increase. Before a supplier may deliver materials to a construction contractor after the effective date of a tax rate

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

increase at the rate which was in effect prior thereto, the purchasing contractor must give such supplier a written, signed certification stating that specifically described materials are being purchased for use in performing a binding contract which was entered into before the effective date of the rate increase (specifying such date) and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, identifying the construction contract work in question by its date and by naming the contractor's construction work involved, and by giving the location of the job site where the construction contract is being performed or is to be performed.

- c) This same Part applies when determining the effective date of an increase in the rate of a Municipal Retailers' Occupation Tax.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED PART

- 1) Heading of the Part: County Water Commission Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 640
- 3) Section Numbers:
- | | |
|---------|-----------------|
| 640.101 | Adopted Action: |
| 640.105 | New Section |
| 640.110 | New Section |
| 640.115 | New Section |
| 640.120 | New Section |
| 640.125 | New Section |
| 640.130 | New Section |
| 640.135 | New Section |

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(c)

- 5) Effective Date of Rules: June 6, 1989

- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

- 7) Does this rule contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: June 6, 1989

- 9) Notice of Proposal Published in Illinois Register:

February 3, 1989, 13 Ill. Reg. 1485
(issue date)

- 10) Has JCAR issued a Statement of Objections to these Rules?: No

- 11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:

1. Re-wrote the authority note as follows:

AUTHORITY: Implementing Section 4(c) of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(c)...

2. The word Regulations was deleted from the Heading of the Part.

3. In Section 640.101(b), line 5, changed the Code citation to 86 Ill. Adm. Code 140.Subpart M. In addition, corrected the statutory citation in line 7. Also, defined "Department" and changed the comma in the Code citation to a period.

4. In Section 640.101(d) specified the Section and title of the Act in front of the statutory citation.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED PART

Made same corrections to Section 640.105(a)(2) for the citations in lines 5 and 13.

5. In Section 640.105(b)(1), changed the comma in the Code citation to a period.

6. In Section 640.115(a), changed the Code citation to 86 Ill. Adm. Code 140, Subpart N.

Pursuant to the request of the Joint Committee on Administrative Rules, the following changes were made:

1. Added the following text to Section 640.101(b): "(see 86 Ill. Adm. Code 150, Table A)".
2. Placed the text up to the words "for human use" in Section 640.105(b)(1) in distinguishing type.
3. Added the following text to Section 630.115(b):

However, the amount of the State tax, the amount of the Municipal or County Service Occupation Tax, some Regional Transportation Authority Service Occupation Tax or some County Supplementary Service Occupation Tax must be claimed separately and separate credit memoranda will be issued.

4. Cited 86 Ill. Adm. Code 140.101 in Section 640.105(b)(1).
5. Added the words "credit or refund" after "Occupation Tax" in the first line of Section 640.115(d) (first sentence).
6. Included the following text:

- a) In Section 640.101(b), added the following text after Department: "of Revenue (Department)", and changed the paragraph cited in the statutory citation from "355.01" to "254(c)" with the following text before the statutory citation, Section 4 of the Water Commission Act of 1985."

- b) In Section 640.101(d), added before the statutory citation: ", Section 4 of the Water Commission Act of 1985."

- c) In Section 640.105(a)(2), placed before the statutory citations in lines 5 and 13:

- 1) line 5: under Section 3 of the Service Occupation Tax Act.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED PART

- 2) line 13: Section 12 of the Service Occupation Tax Act.
- 1) line 5: under Section 3 of the Service Occupation Tax Act.
- 2) line 13: Section 12 of the Service Occupation Tax Act.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): Regulations implementing the 1/4 percent County Water Commission Service Occupation Tax, including such exemptions and penalties.
- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Rules begins on the next page:

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 640
COUNTY WATER COMMISSION SERVICE OCCUPATION TAX

- Section
640.101 Nature and Rate of the County Water Commission Service Occupation Tax
640.105 Exemptions from the County Water Commission Service Occupation Tax
640.110 Registration and Returns
640.115 Claims to Recover Erroneously Paid Tax
640.120 Jurisdictional Questions
640.125 Incorporation of Service Occupation Tax Regulations by Reference
640.130 Penalties, Interest and Procedures
640.135 Effective Date

AUTHORITY: Implementing Section 4(c) of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(c)) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 13 Ill. Reg. 9374, effective June 6, 1989.

Section 640.101 Nature and Rate of the County Water Commission Service Occupation Tax

a) Authority to Impose the Tax
The Board of Commissioners of a County Water Commission is authorized to impose a tax upon all persons engaged in the business of making sales of service at a rate not to exceed 1/4% of the cost price of tangible personal property transferred by such serviceman or person as an incident to a sale of service within the territory of the Commission as defined in Section 2 of the Water Commission Act of 1985. (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 252). Presently, the County Water Commission Service Occupation Tax is only imposed by the DuPage Water Commission, and no other Commission has the authority to impose the tax.

b) Passing on the Tax
Suppliers of servicemen are required to collect the County Water Commission Service Occupation Tax (when applicable) from purchasing servicemen except when they can appropriately assume the accountability for self-assessing the tax under Subpart M of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140.Subpart M). The legal incidence of the County Water Commission Service Occupation Tax, Section 4 of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 254(c)) is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their serviceman's County Water Commission

Service Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.31 et seq.), pursuant to such bracket schedules as the Department of Revenue (Department) may prescribe (see 86 Ill. Adm. Code 150.TABLE A).

c) Exclusion from "Cost Prices"
Any amount added by a supplier to the cost price of tangible personal property sold to a serviceman for retransfer as an incident to service because of the County Water Commission Service Occupation Tax or because of the Service Occupation Tax (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101 et seq.) and reimbursing amounts collected pursuant to the Municipal Service Occupation Tax or County Service Occupation Tax, the County Supplementary Service Occupation Tax and the Regional Transportation Authority Service Occupation Tax or Metro-East Mass Transit District Service Occupation Tax (where applicable) and collected from the purchasing serviceman, shall not be regarded as a part of the cost price which are subject to such County Water Commission Service Occupation Tax.

d) Ordinance Imposing Tax
Any ordinance imposing a County Water Commission Service Occupation Tax or effecting a change in the rate thereof shall be effective on the first day of the calendar month next following the publication of such ordinance in a newspaper of general circulation in the territory and the filing of a certified copy of such ordinance with the State Department of Revenue, whereupon the Department of Revenue shall proceed to administer and enforce the County Water Commission Service Occupation Tax, Section 4 of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254) on behalf of the County Water Commission as of the effective date of the ordinance.

Section 640.105 Exemptions from the County Water Commission Service Occupation Tax

- a) Exemptions Similar to Service Occupation Tax
1) Generally, the County Water Commission Service Occupation Tax contains the same exemptions found in the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101 et seq.). However, those exemptions from the Service Occupation Tax that are not located in Section 3 of the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.103) are not applicable to the County Water Commission Service Occupation Tax.
2) Specifically, the County Water Commission Service Occupation Tax is imposed on oil field exploration, drilling and production equipment and coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, that incurs Service Occupation Tax at a rate of 0% under Section 3 of the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

439.103); and the use or consumption of tangible personal property used or consumed in the operation of pollution control facilities and manufacturing machinery and equipment for businesses located within an enterprise zone, even though such tangible personal property is exempt from the Service Occupation Tax pursuant to Sections 1(d) and 1(e) of the Retailers' Occupation Tax Act that are incorporated into the Service Occupation Tax Act by reference. Section 12 of the Service Occupation Tax Act (See Ill. Rev. Stat. 1987, ch. 120, par. 439.112).

- b) Examples of Exemptions from the County Water Commission Service Occupation Tax that are not Exempt from other Local Sales Taxes or in which such Local Governments can Reimpose

1) *Food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use, are not subject to the County Water Commission Service Occupation Tax on the transfer of tangible personal property as an incident to a sale of service even though the sale of such tangible personal property by a serviceman is subject to the Municipal Service Occupation Tax or County Service Occupation Tax and the Metro-East Service Occupation Tax or Regional Transportation Authority Service Occupation Tax, if applicable. The administration of this Section shall be in accordance with 86 Ill. Adm. Code 140.101.*

2) The sale of machinery and equipment used in the manufacturing process, production agriculture and graphic arts production is exempt from County Water Commission Service Occupation Tax even though municipalities, mass transit districts, where applicable, and counties when imposing the County Service Occupation Tax in unincorporated areas of the county can reimpose such taxes, respectively. This is also true for such sales by a serviceman who transfers tangible personal property incidental to providing a service to a common carrier by rail who transports such tangible personal property outside Illinois for use outside this State on a uniform bill of lading showing the seller or shipper as the consignor, and the sale of any petroleum products to a purchaser, if the seller or serviceman is prohibited by Federal law from charging the tax to the purchaser.

Section 640.110 Registration and Returns

- a) A serviceman's registration under the Service Occupation Tax Act or the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.) is sufficient for the purposes of Section 4(c) of the Water Commission Act of 1985. No special registration for the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

County Water Commission Service Occupation Tax is required. Every serviceman must file a return each month if the serviceman is engaged in the business of selling tangible personal property incidental to providing a service in the territory of the Commission to which he owes County Water Commission Service Occupation Tax. However, the information required for the County Water Commission Service Occupation Taxes may be furnished on the taxpayer's Service Occupation Tax return form in the additional space that is provided on that form for reporting the County Water Commission Service Occupation Tax information.

Section 640.115 Claims to Recover Erroneously Paid Tax

- a) Incorporation by Reference

The provisions of Subpart N of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140. Subpart N) shall apply to the extent specified in Section 640.125 of this Part.

- b) Separate Claim Required for Each Tax

If the claimant files a claim for some State, some County and some Municipal Service Occupation Tax, some Metro-East Mass Transit District Service Occupation Tax or Regional Transportation Authority Service Occupation Tax, some County Supplementary Service Occupation Tax and some County Water Commission Service Occupation Tax paid erroneously as to the same transactions, the claims will be audited, heard or otherwise processed together whenever practicable. However, separate credit memoranda will be issued if such claims are approved. However, the amount of the State tax, the amount of the Municipal or County Service Occupation Tax, some Regional Transportation Authority Service Occupation Tax or some County Supplementary Service Occupation Tax must be claimed separately and separate credit memoranda will be issued.

- c) Use of Credit Memoranda

Any given credit memorandum for the erroneous payment of County Water Commission Service Occupation Tax may be used by the claimant or his authorized assignee only to pay further County Water Commission Service Occupation or County Water Commission Retailers' Occupation Tax due.

- d) Prohibition Against Unjust Enrichment

A claim for credit or refund of a County Water Commission Service Occupation Tax cannot be sustained unless the claimant establishes (among other things) that he has borne the burden of such County Water Commission Service Occupation Tax in the first instance or that he has unconditionally repaid such amount to his vendee to whom he had shifted the burden of such amount, and (in the latter event) that such vendee did not shift the burden of such amount to his customer or has unconditionally repaid such amount to his customer. The incorporation of Section 17 of the Service Occupation Tax Act in Section 4(c) of the Water Commission Act of 1985 by reference carries with it the principle against unjust enrichment provided for with respect to the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Service Occupation Tax when a claim for credit of that kind of tax is disposed of in accordance with Section 17 of the Service Occupation Tax Act.

e)

Refunds
The Department shall award the claimant a refund unless the claimant requests, in writing, that a credit memorandum be issued. Whenever the Department determines that a refund should be made to a claimant instead of issuing a credit memorandum, the Department will notify the Comptroller, who will cause the warrant to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County Water Commission Tax Fund.

Section 640.120 Jurisdictional Questions

a) If the Service Occupation Tax is collected on the transaction by the supplier from the purchasing serviceman for remittance to the Department by such supplier, the supplier shall also collect and remit County Water Commission Service Occupation Tax on the transaction if the supplier's place of business is located in the territory of the Commission.

b) If the Service Occupation Tax on a transaction is being remitted directly to the Department by the serviceman rather than by a supplier, the serviceman shall also pay County Water Commission Service Occupation Tax to the Department on the same transaction if such serviceman's place of business is located in the territory of the Commission. This is true whether the serviceman bought the property in Illinois or outside Illinois.

Section 640.125 Incorporation of Service Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Service Occupation Tax Regulations (86 Ill. Adm. Code 140), (whether characterized as Regulations, Articles, Subparts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to rate and Subpart N as it pertains to the use of a credit memorandum to discharge State or Municipal Tax liability, are incorporated herein by reference and made a part hereof.

Section 640.130 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 4(c) of the Water Commission Act of 1985 as under the Service Occupation Tax Act.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Section 640.135 Effective Date

When a given County Water Commission Service Occupation Tax goes into effect, it applies to sales of service made in the course of the serviceman's engaging in the business of selling services within the territory of the Commission on or after the effective date of the ordinance imposing such tax. For this purpose, the date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman retransfers as an incident to service.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED PART

- 1) Heading of the Part: County Water Commission Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 650
- 3) Section Numbers:
 650.101 Adopted Action:
 650.105 New Section
 650.110 New Section
 650.115 New Section
 650.120 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(d)
- 5) Effective Date of Rules: June 6, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 6, 1989
- 9) Notice of Proposal Published in Illinois Register:
 February 3, 1989, 13 Ill. Reg. 1493
 (issue date)
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:
 1. Re-wrote the authority note as follows:
 AUTHORITY: Implementing Section 4(d) of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(d))...
 2. The word Regulations was deleted from the Heading of the Part.
 3. In Section 650.101(b), defined "Department" and specified the Section and title of the Act from which this language was taken immediately before the statutory citation.
 4. In Section 650.105, changed "this Regulation" to "this Section".
 5. Specified the Section and title of the Act in front of the statutory citations in Section 650.105(b) and (c).

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED PART

6. In Section 650.115(a), deleted "County" from the title of the Act in the next to the last line.
 Pursuant to the request of the Joint Committee on Administrative Rules, the following changes were made:
 1. In Section 650.101, added the following text after "Department of Revenue": "(Department)".
 2. In Section 650.101, added immediately before the statutory citation "Section 4 of the Water Commission Act of 1985".
 3. Added the following text to Section 650.105(b) and (c) before the statutory citations:
 - (1)b: line 5: Section 1-130 of the Illinois Vehicle Code
 - (2)c: Section 1-191 of the Illinois Vehicle Code.
 The period within each statutory citation's parenthetical was placed outside the parenthetical.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): Regulations implementing the 1/4 percent County Water Commission Use Tax, including such exemptions and penalties.
- 16) Information and questions regarding this adopted rule shall be directed to:
 R. Dale Yung
 Administrator
 Legal Services Bureau
 Illinois Department of Revenue
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6336

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUEPART 650
COUNTY WATER COMMISSION USE TAX

Section	Nature and Rate of the County Water Commission Use Tax
650.101	Items Covered
650.105	Incorporation of Use Tax Regulations by Reference
650.110	Penalties, Interest and Procedures
650.115	Effective Date

AUTHORITY: Implementing Section 4(d) of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(d) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at 13 Ill. Reg. 9383, effective June 6, 1989.

Section 650.101 Nature and Rate of the County Water Commission Use Tax

The board of commissioners of a county water commission may impose a tax upon the privilege of using, in the territory of the commission, any item of tangible personal property which is purchased outside the territory at retail from a retailer, and which is titled or registered with an agency of this State's government, at a rate not to exceed 1/4% of the selling price of such tangible personal property within the territory, as "selling price" is defined in the "Use Tax Act". Such tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being in the territory. Such tax shall be collected by the Department of Revenue (Department) for a county water commission. Such tax must be paid to the State, or an exemption determination must be obtained from the Department of Revenue, before the title or certificate of registration for the property may be issued. The tax or proof of exemption may be transmitted to the Department by way of the State agency with which, or the State officer with whom, the tangible personal property must be titled or registered if the Department and such State agency or State officer determine that this procedure will expedite the processing of applications for title or registration. Section 4 of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(d)).

Section 650.105 Items Covered

Items which are titled or registered with the State are motor vehicles, aircraft, motorboats, sailboats exceeding 12 feet in length, snowmobiles, and implements of husbandry and special mobile equipment for which the owner decides to apply for an optional title. For the purposes of this Section:

- a) The term "motor vehicle" includes passenger cars, trucks, buses,

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

motorcycles and any kind of vehicle which is required to be titled under the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-146), (including house trailers for which a display certificate of title is required).

- b) The term "implement of husbandry" means:
Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder. Section 1-130 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-130).
- c) The term "special mobile equipment" means:
Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditches, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. Section 1-191 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-191).

Section 650.110 Incorporation of Use Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Use Tax Regulations (86 Ill. Adm. Code 150), (whether characterized as Rules, Articles, Subparts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to subject matter and rate; Subpart G as it pertains to registration of out-of-State retailers; Subpart M as it pertains to retailers and the use of a credit memorandum to discharge State or municipal tax liabilities, are incorporated herein by reference and made a part hereof.

Section 650.115 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, the filing, processing and disposition of claims, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 4(d) of the Water Commission Act of 1985 as under the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.1 et seq.).

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Section 650.120 Effective Date

When a given County Water Commission Use Tax goes into effect, it applies to purchases made on or after the effective date of the ordinance imposing the tax. For this purpose, the date of the purchase is deemed to be the date of delivery of the property to the purchaser. The same rule applies when determining the effective date of an increase or decrease in the rate of the County Water Commission Use Tax.

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 140
- 3) Section Numbers: 140.1401
140.1405
140.1415
Adopted Action:
Amendment
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, pars. 439.117 and 439.120
- 5) Effective Date of Amendment(s): June 6, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 6, 1989
- 9) Notice of Proposal Published in Illinois Register:
July 1, 1988, 12 Ill. Reg. 11108
(issue date)
- 10) Has JCAR issued a Statement of Objections to these Rules?: No
- 11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:
 1. In the authority note, updated the statutory citation to reflect the 1987 edition of the Illinois Revised Statutes.
 2. The word Regulations was deleted from the Heading of the Part.
 3. In Section 140.1401(d), the Acts referenced in the statutory language were given statutory citations.

Also in this subsection, the subsection labels within the statutory language in lines 14, 15, 37 and 38 were placed in lower case in addition to Section 140.1405(a)(1)(A), (a)(2), and (b)(1).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.140	Amendment	12 Ill. Reg. 22116
140.145	Amendment	12 Ill. Reg. 22116

15) Summary and Purpose of Amendments: Amendments to Sections 140.1401 and 140.1405 are proposed to authorize the Department or the taxpayer to use credit memoranda issued for overpayments under the Service Occupation Tax Act to offset liability under the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the County Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Use Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act.

The amendment to Section 140.1415 is proposed to codify the statutory interest rate paid on credit memoranda.

16) Information and questions regarding this adopted amendment shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

Section
140.101 Basis and Rate of the Service Occupation Tax
140.105 Collection of Service Occupation Tax by Suppliers
140.110 Presumption that Tax Applies
140.115 Occasional Sales to Servicemen by Suppliers
140.120 Meaning of Serviceman
140.125 Examples of Nontaxability
140.130 Suppliers of Printers
140.135 Sales of Drugs and Related Items, to or by Pharmacists
140.140 Other Examples of Taxable Transactions
140.145 Multi-Service Situations

SUBPART B: DEFINITIONS

Section
140.201 General Definitions

SUBPART C: BASE OF THE TAX

Section
140.301 Cost Price
140.305 Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

Section
140.401 Monthly Returns When Due -- Contents of Returns
140.405 Annual Tax Returns
140.410 Final Return
140.415 Taxpayer's Duty to Obtain Form
140.420 Annual Information Returns by Suppliers
140.425 Filing of Returns for Serviceman "Suppliers" by their Suppliers Under Certain Circumstances
140.430 Incorporation by Reference

SUBPART E: INTERSTATE COMMERCE

Section
140.501 Sales of Service Involving Property Originating in Illinois
140.505 Sales of Service Involving Property Originating Outside of Illinois

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART F: REGISTRATION UNDER THE SERVICE OCCUPATION TAX ACT

Section
140.601

General Information

SUBPART G: BOOKS AND RECORDS

Section
140.701

Requirements

SUBPART H: PENALTIES, INTEREST AND PROCEDURES

Section
140.801

General Information

SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING

Section
140.901

Written Opinions

SUBPART J: COLLECTION OF THE TAX

Section
140.1001

Payment of Tax to the Supplier

140.1005

Receipt to be Obtained for Tax Payments

140.1010

Payment of Tax Directly to the Department

140.1015

Itemization of the Tax by Suppliers

140.1020

Use of Bracket Chart

140.1025

Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING -- MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Section
140.1101

Filing of Documents with the Department

SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
140.1201

When Lessee of Premises May File Return for Leased Department

140.1205

When Lessor of Premises Should File Return for Leased Department

140.1210

Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section
140.1301

When Purpose of Serviceman's Purchase is Known

140.1305

When Purpose of Serviceman's Purchase is Unknown

140.1310

Blanket Percentage Exemption Certificates

NOTICE OF ADOPTED AMENDMENT(S)

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
140.1401

Claims for Credit -- Limitations -- Procedures

140.1405

Disposition of Credit Memoranda by Holders Thereof

140.1410

Refunds

140.1415

Interest

SUBPART O: DISCONTINUATION OF A BUSINESS

Section
140.1501

Procedures

SUBPART P: NOTICE OF SALES OF GOODS IN BULK

Section
140.1601

Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section
140.1701

General Information

AUTHORITY: Implementing the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101-439.121 et seq.) and authorized by Section 39b30 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b30).

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; amended at 13 Ill. Reg. 9388, effective June 6, 1989.

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 140.1401 Claims for Credit -- Limitations -- Procedures

a) Limitations Upon Claims

- 1) Where a taxpayer under the Service Occupation Tax Act pays to the Department an amount of tax or penalty or interest not due under the provisions of the Act, either as the result of a mistake of fact or an error of law, such taxpayer may file a claim for credit with the Department. The Department cannot approve any claim for credit unless the proof submitted in support thereof clearly establishes that the claimant has borne the burden of the

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

tax erroneously paid or that he has unconditionally repaid the amount of the tax to his vendee from whom he has collected such amount. In the latter event, the claimant must also prove that his vendee has borne the burden of such amount or has unconditionally repaid persons to whom such vendee has shifted the burden of such amount (see Service Occupation Tax Act, Section 17). In addition, no credit shall be allowed for any such amount paid by or collected from any claimant unless it shall appear that the claimant has unconditionally repaid, to the purchaser, any amount collected from the purchaser and retained by the claimant with respect to the same transaction under the Service Use Tax Act. The Department cannot approve any claim for credit to the extent that the amount claimed is an amount which has been paid (voluntarily or involuntarily) in total or partial liquidation of an assessment which had become final before the claim for credit to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment, order or decree of court. Also, all claims for credit are subject to the following statute of limitations:

- 2) As to any claim for credit filed with the Department on and after January 1, but on or before June 30 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Act) more than 3 years prior to such January 1 shall be credited, and as to any such claim filed on and after July 1 but on or before December 31 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Act) more than 3 years prior to such July 1 shall be credited.

b) Filing of Claims

- 1) Claims for credit shall be prepared and filed upon forms provided by the Department. Where the claimant is a corporation, the claim filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

- 2) A claim for credit shall be considered to have been filed with the Department on the date upon which it is received by the Department. Upon receipt of any claim for credit filed under the Act, any officer or employee of the Department, authorized in writing by the Director of Revenue to acknowledge receipt of such claims on behalf of the Department shall execute on behalf of the Department, and shall deliver or mail to the claimant or his duly authorized agent, a written receipt, acknowledging that the claim has been filed with the Department, describing the claim in sufficient detail to identify it and stating the date upon which the claim was received by the Department. Such written receipt shall be prima facie evidence that the Department received the claim described and shall be prima facie evidence of the date when such claim was received by the Department. In the absence

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

of such a written receipt, the records of the Department as to when the claim was received by the Department, or as to whether or not the claim was received at all by the Department, shall be deemed to be prima facie correct upon these questions in the event of any dispute between the claimant (or his legal representative) and the Department concerning these questions. (See Section 17 of the Service Occupation Tax Act.)

c) Procedure After Filing of Claims

The Department will examine each claim for credit as soon as practicable after such claim is filed and will notify the claimant (or his legal representative, if the claim is filed by such legal representative, or if the claimant has died or become incompetent and such legal representative has notified the Department of his appointment and qualification as such legal representative, or if the Department, on its own motion, has substituted such legal representative in the proceeding for the deceased or incompetent claimant) of its Tentative Determination of the amount of credit, if any, to which the claimant or his legal representative is entitled. If such claimant, or the legal representative of a deceased or incompetent taxpayer, shall, within 20 days after the Department's Notice of Tentative Determination of Claim, file a protest thereto and request a hearing thereon, the Department shall give notice to such claimant, or to the legal representative of a deceased or incompetent taxpayer, of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of the Act, and pursuant thereto shall issue its Final Determination of the amount of credit, if any, found to be due as a result of such hearing, to such claimant, or to the legal representative of a deceased or incompetent taxpayer. If a protest to the Department's Notice of Tentative Determination of Claim is not filed within 20 days and a request for a hearing thereon is not made as hereinabove provided, the said Notice shall thereupon become and operate as a "Final Determination". (See Section 18 of the Service Occupation Tax Act.)

d) Use of Credit Memoranda to Satisfy Prior Rights of Department

If, following the above procedure, a credit is found to be due, as evidence thereof a credit memorandum for such amount shall be issued in the name of the claimant. If there is an established unpaid assessment or an admitted unpaid liability, or unpaid penalty or unpaid amount of interest, against the claimant either under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, or the Service Use Tax Act, the Municipal Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-1 et seq.), the Municipal Use Tax Act (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-6 et seq.), the Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-5 et seq.), the County Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.1 et seq.), the County Supplementary Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.1 et seq.), the County Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.2 et seq.),

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

the County Supplementary Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.2a et seq.), the County Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10 et seq.), the County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10a et seq.), Section 4 of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 251 et seq.), subsections (b), (c), and (d) of Section 5.01 of the Local Mass Transit District Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 351 et seq.), or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 701.01 et seq.), the amount of the credit shall be credited against the tax or penalty or interest due or to become due under these Acts from the person who made the erroneous payment. If the credit is in an amount less than that of the unpaid liability, it shall be applied toward satisfaction of the unpaid liability. If the amount of the credit exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, a new credit memorandum shall be issued for an amount representing the difference between that of the original credit found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum shall be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, or the Service Use Tax Act, the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c), and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act. If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, or any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

(Source: Amended at 13 Ill. Reg. 9388, effective June 6, 1989)

Section 140.1405 Disposition of Credit Memoranda by Holders Thereof

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

a) Assignment of Credit Memoranda

1) Credit memoranda issued in accordance with the provisions of the Act may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:

A) That the assignment is made to a person who is subject to the Retailers' Occupation Tax Act, Use Tax Act, Service Occupation Tax Act or Service Use Tax Act, the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c), and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act;

B) that there is no proceeding pending to establish an unpaid liability against the assignor pursuant to notice given of the Department's proposal to assess an amount against him under said Acts, and

C) that there is no established assessment or admitted liability or interest or penalty unpaid by the assignor, under said Acts.

2) Provided, that if the amount of the credit memorandum must first be applied, in whole or in part, against an established unpaid assessment which has been issued to the claimant-assignor, or in total or partial liquidation of an unpaid admitted tax liability, or unpaid penalty, or unpaid amount of interest, due from the claimant-assignor, notice to this effect shall be given the claimant-assignor by the Department. If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect. If there are no unpaid established assessments or unpaid admitted tax liabilities, or unpaid penalties, or unpaid amounts of interest, due from the claimant-assignor, and if there are no pending proceedings as herein outlined against the claimant-assignor, and if the contemplated assignee is a person who is subject to said Acts, the request for leave to assign shall be approved; the original credit memorandum shall be cancelled, and a new credit memorandum shall be issued to the assignee in the amount shown on the cancelled memorandum. However, before a credit memorandum is issued to the assignee, the amount of such credit shall be applied, to the extent which may be necessary, in liquidation of any established or admitted unpaid liability due from the assignee under the Retailers',

NOTICE OF ADOPTED AMENDMENT(S)

Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, or the Service Use Tax Act, liability for tax or penalty--or interest--of the assignee the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c), and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, and a credit memorandum for the balance of the credit, if any, shall then be issued to the assignee: Provided, that there is no proceeding pending against the assignee to establish an unpaid liability against him under any of said Acts. If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded; and if such proceeding results in the issuance of an assessment which becomes final, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment or any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of said assessment), shall be issued in the form of a new credit memorandum and delivered to the assignor for transmittal to the assignee.

- b) Submission of Credit Memoranda With Tax Returns
- 1) Credit memoranda, in the hands of the original claimant or of his assignee, may be submitted to the Department, along with tax returns, in payment of any of said taxes incurred by the holder of such credit memoranda. The holder of the credit memorandum may also use it to pay any penalty or interest that may be due from him to the Department under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, or the Service Use Tax Act, the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c), and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f), and (g) of Section 4.03 of the Regional Transportation Authority Act.

- 2) If, after applying any such credit memorandum against the amount of liability shown to be due by the tax return with which the credit memorandum is submitted, there is a balance of the credit memorandum in favor of the taxpayer, the Department will cancel the credit memorandum which the taxpayer submits with his return and will issue and deliver to such taxpayer a new credit

NOTICE OF ADOPTED AMENDMENT(S)

memorandum for such balance. This process will be followed until the credit, to which such taxpayer is entitled, is exhausted. However, any new credit memorandum, which is issued for a balance of credit due the taxpayer after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is first issued (see Section 140.1401(d) of this Subpart) or when leave to assign a credit memorandum is requested (see Section 140.1405(a) of this Subpart).

(Source: Amended at 13 Ill. Reg. 9388, effective June 6, 1989)

Section 140.1415 Interest

- a) Any credit or refund that is allowed under the Act shall bear interest at the rate of $\frac{1}{2}$ of 1% per month or fraction thereof from the date when the erroneous payment for which the credit or refund is being allowed was made to the Department until the credit memorandum is issued or the refund is paid. However, no interest will be paid for any period of time prior to April 1, 1963.
- b) No interest will be allowed if the overpayment is found by the Department to have been made deliberately for the purpose of drawing interest, or if the overpayment is ascertained not to have been bona fide for some other reason.
- c) When a claim that is allowed is paid by means of a credit memorandum instead of by means of a cash refund, the claim will be considered to have been paid when the credit memorandum is issued by the Department to the claimant, and no interest will be allowed or paid by the Department for any period subsequent to that, even if the claimant does not use or assign the credit memorandum immediately after it is issued.

(Source: Amended at 13 Ill. Reg. 9388, effective June 6, 1989)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Service Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 160
- 3) Section Numbers:
160.150 Adopted Action:
160.155 Amendment
160.165 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 120, pars. 439.47 and 439.50
- 5) Effective Date of Amendment(s): June 6, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes No X
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 6, 1989
- 9) Notice of Proposal Published in Illinois Register:
July 1, 1988, 12 Ill. Reg. 11119
(issue date)
- 10) Has JCAR issued a Statement of Objections to these Rules?: No
- 11) Differences between proposal and final version: Pursuant to the request of the Administrative Code Division, the following changes were made:
1. In the authority note, updated the statutory citations to reflect the 1987 edition of the Illinois Revised Statutes. In addition, in the first statutory citation, replaced "439.51" with "et seq."
 2. The word Regulations was deleted from the Heading of the Part.
 3. In Section 160.150(d)(1), all of the Acts in the statutory language were given statutory citations.
 In addition, changed the subsection labels appearing in lines 13 and 15 to small letters, as well as the subsection labels in the statutory language being added to Sections 160.150(d)(2) and 160.155(a)(1)(A), (B), and (C), (a)(2) and (3), and (b)(1).
 4. In Section 160.155(b)(3), changed "Regulation" in the last line to "Section".

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

5. In the heading of this Part, deleted the term "Regulations".
 Pursuant to the request of the Joint Committee on Administrative Rules, the following change was made:
1. Replaced the comma at the end of Section 160.155(b)(1) with a period.
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
 - 13) Will this amendment replace an emergency amendment currently in effect? No
 - 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Rule(s): Amendments to Sections 160.150 and 160.155 are proposed to authorize the Department or the taxpayer to use credit memoranda issued for overpayments under the Service Use Tax Act to offset liability under the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the County Supplemental Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplemental Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act.

The amendment to Section 160.165 is proposed to codify the statutory interest rate paid on credit memoranda.

- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
 Administrator
 Legal Services Bureau
 Illinois Department of Revenue
 101 West Jefferson
 Springfield, Illinois 62794
 Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 160

SERVICE USE TAX REGULATIONS

Section	Nature of the Tax	By
160.101	Definitions	
160.105	Kinds of Uses And Users Not Taxed	
160.110	Collection Of The Service Use Tax By Servicemen	
160.115	Receipt For The Tax	
160.120	Special Information For Taxable Users	
160.125	Registration Of Servicemen	
160.130	Serviceman's Return	
160.135	Penalties, Interest And Procedures	
160.140	Incorporation Of Illinois Service Occupation Tax Regulations	
160.145	Reference	
160.150	Claims To Recover Erroneously Paid Tax--Limitations--Procedures	
160.155	Disposition Of Credit Memoranda By Holders Thereof	
160.160	Refunds	
160.165	Interest	

AUTHORITY: Implementing the Service Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.31 et seq.) and authorized by Section 39b30 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b30).

SOURCE: Adopted May 21, 1962; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 8619, effective June 5, 1984; amended at 11 Ill. Reg. 5322, effective March 17, 1987; amended at 11 Ill. Reg. 9963, effective May 8, 1987; amended at 13 Ill. Reg. 9399, effective June 6, 1989.

Section	160.150 Claims	To	Recover	Erroneously	Paid
Tax--Limitations--Procedures					

- a) Limitations Upon Claims
- 1) If it shall appear that an amount of tax or penalty or interest has been paid in error under the Service Use Tax Act to the Department by a purchaser, as distinguished from the serviceman, whether such amount be paid through a mistake of fact or an error of law, such purchaser may file a claim for credit with the Department.
 - 2) If it shall appear that an amount of tax or penalty or interest has been paid in error to the Department under the Service Use Tax Act by a serviceman who is required or authorized to collect and remit the Service Use Tax, whether such amount be paid through a mistake of fact or an error of law, such serviceman may file a claim for credit with the Department, provided that no credit shall be allowed for any amount paid by any such

serviceman unless it shall appear that he bore the burden of such amount and did not shift the burden thereof to anyone else (as in the case of a duplicated tax payment which the serviceman made to the Department and did not collect from anyone else), or unless it shall appear that he or his legal representative has unconditionally repaid such amount to his vendee:

- A) Who bore the burden thereof and has not shifted such burden directly or indirectly in any manner whatsoever;
 - B) Who, if he has shifted such burden, has repaid unconditionally such amount to his own vendee, and
 - C) Who is not entitled to receive any reimbursement therefor from any other source than from his vendor, nor to be relieved of such burden in any other manner whatsoever.
- 3) If it shall appear that an amount of tax has been paid in error under the Service Use Tax Act by the purchaser to a serviceman, who retained such tax as reimbursement for his tax liability on the same sale under the Service Occupation Tax Act, and who remitted the amount involved to the Department under the Service Occupation Tax Act, whether such amount be paid through a mistake of fact or an error of law, the procedure for recovering such tax shall be that prescribed in Sections 17, 18, 19 and 20 of the Service Occupation Tax Act.
- 4) As to any claim for credit filed with the Department on and after January 1 but on or before June 30 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Service Use Tax Act) more than 3 years prior to such January 1 shall be credited, and as to any such claim filed on and after July 1 but on or before December 31 of any given year, no amount of tax or penalty or interest erroneously paid (either in total or partial liquidation of a tax or penalty or amount of interest under the Service Use Tax Act) more than 3 years prior to such July 1 shall be credited.
- 5) No claim shall be allowed for any amount paid to the Department, whether paid voluntarily or involuntarily, if paid in total or partial liquidation of an assessment which had become final before the claim for credit to recover the amount so paid is filed with the Department, or if paid in total or partial liquidation of a judgment, order or decree of court.

b) Filing Of Claims

- 1) Claims for credit shall be prepared and filed upon forms provided by the Department. Where the claimant is a corporation, the claim filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.
- 2) A claim for credit shall be considered to have been filed with the Department on the date upon which it is received by the Department. Upon receipt of any claim for credit filed under the Act, any officer or employee of the Department, authorized in

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

writing by the Director of Revenue to acknowledge receipt of such claims on behalf of the Department, shall execute on behalf of the Department, and shall deliver or mail to the claimant or his duly authorized agent, a written receipt, acknowledging that the claim has been filed with the Department, describing the claim in sufficient detail to identify it and stating the date upon which the claim was received by the Department. Such written receipt shall be prima facie evidence that the Department received the claim described in such receipt and shall be prima facie evidence of the date when such claim was received by the Department.

- 3) In the absence of such a written receipt, the records of the Department as to when the claim was received by the Department, or as to whether or not the claim was received at all by the Department, shall be deemed to be prima facie correct upon these questions in the event of any dispute between the claimant (or his legal representative) and the Department concerning these questions. (See Section 17 of the Service Use Tax Act.)

c) Procedure After Filing Of Claims

- 1) The Department will examine each claim for credit as soon as practicable after such claim is filed and will notify the claimant (or his legal representative, if the claim is filed by such legal representative, or if the claimant has died or become incompetent and such legal representative has notified the Department of his appointment and qualification as such legal representative, or if the Department, on its own motion, has substituted such legal representative in the proceeding for the deceased or incompetent claimant) of its Tentative Determination of the amount of credit, if any, to which the claimant or his legal representative is entitled.

- 2) If such claimant, or the legal representative of a deceased or incompetent taxpayer, shall, within 20 days after the Department's Notice of Tentative Determination of Claim, file a protest thereto and request a hearing thereon, the Department shall give notice to such claimant, or to the legal representative of a deceased or incompetent taxpayer, of the time and place fixed for such hearing, and shall hold a hearing in conformity with the provisions of the Act, and pursuant thereto shall issue its Final Determination of the amount of credit, if any, found to be due as a result of such hearing, to such claimant, or to the legal representative of a deceased or incompetent taxpayer.

- 3) If a protest to the Department's Notice of Tentative Determination of Claim is not filed within 20 days and a request for a hearing thereon is not made as hereinabove provided, the said Notice shall thereupon become and operate as a Final Determination. (See Section 18 of the Act.)

d) Use Of Credit Memoranda To Satisfy Prior Rights Of Department

- 1) If, following the above procedure, a credit is found to be due, as evidence thereof a credit memorandum for such amount shall be

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

issued in the name of the claimant. If there is an established unpaid assessment or an admitted unpaid liability under the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, or the Use Tax Act, the Municipal Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-1 et seq.), the Municipal Use Tax Act (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-6 et seq.), the Municipal Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 24, par. 8-11-5 et seq.), the County Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.1 et seq.), the County Supplementary Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.1a et seq.), the County Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.2), the County Supplementary Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.2a et seq.), the County Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10 et seq.), the County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10a et seq.), Section 4 of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 251 et seq.), subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 351 et seq.), or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 701.01 et seq.), unpaid penalty, or interest, against the claimant, the amount of the credit shall be credited against the tax or penalty or interest due. If the credit is in an amount less than that of the unpaid liability, it shall be applied pro tanto.

- 2) If the amount of the credit exceeds that of the unpaid liability, after crediting an amount sufficient to liquidate or cancel out such unpaid liability, a new credit memorandum shall be issued for an amount representing the difference between that of the original credit found to be due and that of the liability liquidated or paid as aforesaid, and such new credit memorandum shall be delivered to the person entitled to receive delivery thereof, provided that no proceeding is pending against the claimant to establish an unpaid liability under the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act.
- 3) If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

proceeding is concluded. If such proceeding results in the issuance of an assessment which becomes final under any of these Acts, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, and any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

(Source: Amended at 13 Ill. Reg. 9399, effective June 6, 1989)

Section 160.155 Disposition Of Credit Memoranda By Holders Thereof

a) Assignment Of Credit Memoranda

1) Credit memoranda issued hereunder may be assigned or transferred only after a request for that purpose is filed with the Department upon forms prescribed and furnished by it, and subject to the following conditions:

A) That the assignment is made to a person who is subject to the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, or the Use Tax Act, the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act;

B) That there is no proceeding pending to establish an unpaid liability against the assignor pursuant to notice given of the Department's proposal to assess an amount of against him either under the Service Occupation Tax Act, or under the Service Use Tax Act, the Retailers' Occupation Tax Act, or the Use Tax Act, against him the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENT(S)

C) Transportation Authority Act and that there is no established assessment or admitted liability unpaid--by--the--assignor--or--unpaid--penalty--or unpaid--interest or interest or penalty unpaid by the assignor, either under the Retailers' Occupation Tax Act, or under the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act: Provided, that if the amount of the credit memorandum must first be applied, in whole or in part, against an established unpaid assessment which has been issued to the claimant-assignor, or in total or partial liquidation of an unpaid admitted tax liability, or unpaid penalty, or unpaid amount of interest, due from the claimant-assignor, notice to this effect shall be given the claimant-assignor by the Department.

2) If any balance is due such claimant-assignor, after application of the credit memorandum in the manner and to the purposes aforesaid, such balance may be assigned upon receipt by the Department of instructions to that effect. If there are no unpaid established assessments or unpaid admitted tax liabilities, or unpaid penalties, or unpaid amounts of interest, due from the claimant-assignor, and if there are no pending proceedings as herein outlined, pending against the claimant-assignor, and if the contemplated assignee is a person who is subject to the Service Occupation Tax Act, the Service Use Tax Act, the Retailers' Occupation Tax Act, or Use Tax Act, the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1985, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, the request for leave to assign shall be approved. The original credit memorandum shall be cancelled, and a new credit memorandum shall be issued to the assignee in the amount shown on the cancelled memorandum.

3) However, before a credit is issued to the assignee, the amount of

NOTICE OF ADOPTED AMENDMENT(S)

such credit shall be applied, to the extent that may be necessary, in liquidation of any established unpaid assessment which has been issued to such assignee, or in liquidation of any unpaid penalty, or amount of interest due from such assignee, or in liquidation of any unpaid admitted liability due from the assignee under the Service Occupation Tax Act, the Service Use Tax Act, the Retailers' Occupation Tax Act, or the Use Tax Act, liability-of-the-assignee the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Service Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1995, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act, and a credit memorandum for the balance of the credit, if any, shall then be issued to the assignee: Provided, that there is no proceeding pending against the assignee to establish an unpaid liability against him.

- 4) If a proceeding to establish such an unpaid liability is pending, the credit memorandum shall be held by the Department until such proceeding is concluded. If such proceeding results in the issuance of an assessment which becomes final under any of the said Acts, the credit shall be applied by the Department, to the extent which may be necessary, in liquidation of such assessment, and any interest that may accrue thereon, and the balance of the credit, if any (after cancellation of the credit memorandum applied in liquidation of such liability), shall be issued in the form of a new credit memorandum and delivered to the person entitled to receive delivery thereof.

- b) Submission of Credit Memoranda With Tax Returns
- 1) Credit memoranda, in the hands either of the original claimant or of his assignee, may be submitted to the Department, along with Service Occupation Tax returns, Service Use Tax returns, Retailers' Occupation Tax returns or Use Tax returns, in payment of any tax liability or penalty or interest under the Service Occupation Tax Act, the Service Use Tax Act, the Retailers' Occupation Tax Act, or the Use Tax Act, the Municipal Retailers' Occupation Tax Act, the Municipal Use Tax Act, the Municipal Service Occupation Tax Act, the County Retailers' Occupation Tax Act, the County Supplementary Retailers' Occupation Tax Act, the County Supplementary Service Occupation Tax Act, the County Use Tax Act, the County Supplementary Use Tax Act, the County Supplementary Use Tax Act, Section 4 of the Water Commission Act of 1995, subsections (b), (c) and (d) of Section 5.01 of the Local Mass Transit District Act, or subsections (e), (f) and (g) of Section 4.03 of the Regional Transportation Authority Act.

NOTICE OF ADOPTED AMENDMENT(S)

liability-incurred-by-the-holder-of-such-credit-memoranda--the holder-of-the-credit-memorandum-may-also-use-it-to-pay-any penalty-or-interest-that-may-be-due-from-him-to-the-Department under-the-Retailers'-Occupation-Tax-Act, the-Use-Tax-Act, the Service-Occupation-Tax-Act-or-the-Service-Use-Tax-Act.

- 2) If, after applying any such credit memorandum against the amount of tax shown to be due by the tax return with which the credit memorandum is submitted, there is a balance of the credit memorandum in favor of the taxpayer, the Department will cancel the credit memorandum which the taxpayer submits with his return and will issue and deliver to the taxpayer a new credit memorandum for such balance. This process will be followed until the credit, to which such taxpayer is entitled, is exhausted.

- 3) However, any new credit memorandum, which is issued for a balance of credit due the taxpayer after applying the amount of a credit memorandum to the payment of current taxes, is subject to the prior rights of the Department to the same extent that such prior rights take precedence when a credit memorandum is first issued (see Section 160.150(d) of this Part) or when leave to assign a credit memorandum is requested (see Subsection (a) of this Regulation Section).

(Source: Amended at 13 Ill. Reg. 9399, effective June 6, 1989)

Section 160.165 Interest

- a) Any credit or refund that is allowed under the Act shall bear interest at the rate of $\frac{1}{2}$ of 1% per month or fraction thereof from the date when the erroneous payment for which the credit or refund is being allowed was made to the Department until the credit memorandum is issued or the refund is paid. However, no interest will be paid for any period of time prior to April 17, 1969.
- b) No interest will be allowed if the overpayment is found by the Department to have been made deliberately for the purpose of drawing interest, or if the overpayment is ascertained not to have been bona fide for some other reason.
- c) When a claim that is allowed is paid by means of a credit memorandum instead of by means of a cash refund, the claim will be considered to have been paid when the credit memorandum is issued by the Department to the claimant, and no interest will be allowed or paid by the Department for any period subsequent to that, even if the claimant does not use or assign the credit memorandum immediately after it is issued.

(Source: Amended at 13 Ill. Reg. 9399, effective June 6, 1989)

DEPARTMENT OF CONSERVATION

NOTICE OF MODIFICATION TO MEET THE
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: North Point Marina
- 2) Code Citation: 17 Ill. Adm. Code 220
- 3) Section Numbers 220.40 Action: Modify
- 4) Date Notice of Proposed Rules Published in Register:
January 20, 1989 13 Ill. Reg. 731
- 5) Date JCAR Statement of Objection Published in the Register:
May 26, 1989 13 Ill. Reg. 8125
- 6) Summary of Action Taken by Agency:

The Joint Committee objected to Section 220.40(h) of the this Part because they feel the Department lacks the statutory authority to require charter boats operating in the commercial harbor to be covered by general liability and personal injury insurance with coverage of at least \$1,000,000.00 annually.

The Department is modifying this Part to meet the Joint Committee on Administrative Rules' objection by deleting the last two sentences of Section 220.40(h), which read: "Every charter boat must be covered by general liability and personal injury insurance with coverage of at least \$1,000,000.00. Proof of valid insurance must be submitted to the MAO annually."

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Psychologist Registration Act
- 2) Code Citation: 68 Ill. Adm. Code 1400
- 3) Register Citation to Notice of Proposed Rules:
13 Ill. Reg. 2913; March 10, 1989
- 4) Date, Time and Location of Public Hearing:
Friday, June 30, 1989, 10:00 AM
Department of Professional Regulation
320 West Washington, Third Floor
Springfield, Illinois 62786
Friday, July 7, 1989, 10:00 AM
Department of Professional Regulation
State of Illinois Center
100 West Randolph, 9th Floor
Chicago, Illinois 60601
- 5) Other Pertinent Information:

Those individuals who are unable to attend the public hearing but wish to comment on the Rules should submit written comments by July 14, 1989 to:

Jean Courtney
Department of Professional Regulation
320 West Washington, Third Floor
Springfield, Illinois 62786

ILLINOIS REGISTER
JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 29, 1989 through June 2, 1989 and have been scheduled for review by the Committee at its July 27, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its July meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration By JCAR
7/14/89	Department of Rehabilitation Services, Non-Homemaker Service Provider Requirements (89 Ill. Adm. Code 714)	3/31/89 13 Ill. Reg. 4152	July 27, 1989
7/14/89	Department of Insurance, Accumulation of Guaranty Fund or Guaranty Capital-Reporting and Accounting of Such Indebtedness (50 Ill. Adm. Code 301)	3/10/89 13 Ill. Reg. 2901	July 27, 1989
7/14/89	Department of Insurance, Accumulation of Guaranty Fund or Guaranty Capital-Reporting and Accounting of Such Indebtedness (50 Ill. Adm. Code 401)	3/10/89 13 Ill. Reg. 2905	July 27, 1989
7/14/89	Department of Insurance, Subordinated Indebtedness (50 Ill. Adm. Code 201)	3/10/89 13 Ill. Reg. 2909	July 27, 1989
7/17/89	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	3/17/89 13 Ill. Reg. 3295	July 27, 1989
7/17/89	Department of Commerce and Community Affairs, State Administration of the Federal Community Services Block Grant Program (47 Ill. Adm. Code 120)	3/31/89 13 Ill. Reg. 4075	July 27, 1989
7/17/89	Department of Conservation, White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)	4/14/89 13 Ill. Reg. 5052	July 27, 1989
7/17/89	Department on Aging, Community Care Program (89 Ill. Adm. Code 240)	7/17/89	1/20/89 13 Ill. Reg. 685

SECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
7/17/89	Department of Conservation, White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)	4/14/89 13 Ill. Reg. 5052	July 27, 1989
7/17/89	Department on Aging, Community Care Program (89 Ill. Adm. Code 240)	7/17/89	1/20/89 13 Ill. Reg. 685

ILLINOIS REGISTER

PROCLAMATION

89-271

Sri Chimoy Silver Jubilee Day

WHEREAS, Sri Chimoy is a world renown humanitarian, philosopher, and artist who seeks to promote peace and goodwill between peoples and nations; and

WHEREAS, born in India, Sri Chimoy came to the United States in 1964 and now resides in New York City and has met with a multitude of world leaders throughout the years to discuss the issue of peace on earth; and

WHEREAS, Sri Chimoy has offered non-denominational peace meditations twice a week at the United Nations headquarters since 1970, and has sponsored other programs in support of the U.N.'s goals; and

WHEREAS, he also started the Sri Chimoy Oneness-at-Home Peace Run which, in 1987, boasted more than 20,000 participants who passed a torch of peace between one another, a feat that covered over 27,000 miles the Peace Run will be held again this year with the State of Illinois once again joining the cause; and

WHEREAS, Sri Chimoy created the unique weightlifting program for peace, "Lifting Up the World with a Oneness-Heart," and he directs a worldwide athletic team that sponsors nearly 500 running, cycling, and tennis events annually; and

WHEREAS, he has written 800 books of poetry, essays, stories and plays, composed over 7,000 songs, and painted more than 115,000 works of art that have been displayed at galleries around the world;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim July 12, 1989, as SRI CHIMOY SILVER JUBILEE DAY in Illinois, honoring this remarkable and talented man's 25 year residence in the West, and saluting his virtually unmatched quest for world peace.

Issued May 25, 1989. Filed June 5, 1989.

ILLINOIS REGISTER

PROCLAMATION

89-272

St. Paul Federal Day

WHEREAS, St. Paul Federal Bank for Savings in Chicago first opened its doors for business in 1889; and

WHEREAS, the bank was conceived by St. Paul Catholic Church parishioners who pooled their savings to create a fund from which members could borrow to buy or build a home; and

WHEREAS, today, St. Paul Federal proudly serves the Chicago area with several metropolitan and suburban locations to meet financial needs of the community;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 25, 1989, as ST. PAUL FEDERAL DAY in Illinois, recognizing the 100th anniversary of this institution.

Issued May 25, 1989. Filed June 5, 1989.

PROCLAMATION
89-273

Korea Unification Day

WHEREAS, the conclusion of World War II on August 14, 1945, also ended the occupation of Korea by the Imperial Military Forces of Japan from 1910 to 1945; and

WHEREAS, to bring about the liberation of the Korean people from the Japanese occupation, Korea was divided by the 38th Parallel. The United States was assigned to rehabilitate Korea south of the 38th Parallel, and the Republic of Soviet Union was to do likewise north of the 38th Parallel; and

WHEREAS, since 1945, the division of the Korean people into North Korea and South Korea has caused the continued separation of over 10 million Korean families; and

WHEREAS, the many attempts to allow an exchange of communication between Korean families in North and South Korea has been denied by the Communist North Korean government; and

WHEREAS, the citizens of the Republic of Korea in the South Korea sector are joined by the Korean Community in the State of Illinois, through efforts of the Midwest Korean-American Northerners Federation, in annually observing a day of prayer and meditation for the families residing in North Korea;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim July 15, 1989, as KOREA UNIFICATION DAY in Illinois, and urge all citizens of the state to join in prayer and meditation for the opening of North Korea so that Korean families can be reunited.

Issued May 26, 1989. Filed June 5, 1989.

PROCLAMATION
89-274

Blood Donor Awareness Month

WHEREAS, the State of Illinois has set aside August as Blood Donor Awareness Month to recognize the achievements of all blood donors; and

WHEREAS, the state acknowledges those silent heroes who continue to unselfishly help save lives with each blood donation; and

WHEREAS, Blood Donor Awareness Month has also been established to encourage other healthy citizens to join the ranks of blood donors and to give of themselves generously. This month comes when blood supplies are typically short; and

WHEREAS, blood donors are needed daily to provide for patients suffering from cancer, leukemia, severe anemia, joint replacements, and heart disease; for people having organ transplants; and for daily use in emergency rooms around the state; and

WHEREAS, each one of us recognizes the need for an adequate supply of every blood type that must be available at all times to meet the needs of patients in our communities and in the State of Illinois; and

WHEREAS, giving blood is a safe, normal, healthy activity which is, in fact, lifesaving;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim August 1989 as BLOOD DONOR AWARENESS MONTH in Illinois.

Issued May 30, 1989. Filed June 5, 1989.

ILLINOIS REGISTER

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PROCLAMATION
89-275

Forgotten Eyes Day

WHEREAS, Retinitis Pigmentosa (RP) International has made an all-out effort to end blindness and to develop public awareness on degenerative eye diseases; and

WHEREAS, RP International was established 16 years ago for the purpose of helping children, young adults, and adults who face a life of lonely darkness; and

WHEREAS, the song "Forgotten Eyes" has been written and recorded for the purpose of waging a fight against RP and other degenerative eye diseases to save the sight of America's children; and

WHEREAS, celebrities who have performed this song have dedicated their message of "Hope in Sight" for the world to hear;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim Children's Day, June 11, 1989, as the RP International's FORGOTTEN EYES DAY in Illinois. May Bob Hope's "Forgotten Eyes" campaign educate the world on the precious gift of sight for our children and the children of the world.

Issued May 30, 1989. Filed June 5, 1989.

ILLINOIS REGISTER

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PROCLAMATION
89-276

Talent-Linkage-Chicago Day

WHEREAS, the State of Illinois and the City of Chicago are nationally acclaimed centers for theater and film; and

WHEREAS, The Theatre School, DePaul University, was founded in 1925 as the Goodman School of Drama at the Art Institute of Chicago; and

WHEREAS, 1989 marks its 63rd Anniversary as a professional training school; and

WHEREAS, the 44 graduates of the Class of 1989 will present a showcase of their work to directors, casting agents and theatre professionals from throughout the nation at the 9th annual Talent-Linkage-Chicago Day, June 3; and

WHEREAS, these young people hope to follow the footsteps of such noted alumni as Geraldine Page, Linda Hunt, Karl Malden, Joe Mantegna, and costume designer Theoni V. Aldredge;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 3, 1989, as TALENT-LINKAGE-CHICAGO DAY in Illinois. I extend my personal congratulations to The Theatre School, DePaul University, on the occasion of its 63rd Anniversary and commend it for the outstanding contributions it has made to theatre arts in Illinois.

Issued May 30, 1989. Filed June 5, 1989.

PROCLAMATION

89-277

Child Care Association Day

WHEREAS, the needs of children and families in the nation and Illinois challenge communities and states as much now as in any time in the past; and

WHEREAS, the cornerstone of the Illinois response to the needs of children and families is the voluntary, not-for-profit child welfare agency in communities throughout the state; and

WHEREAS, the Child Care Association of Illinois represents voluntary, not-for-profit child welfare agencies in the advocacy for policies and programs responsive to the needs of children and families in Illinois; and

WHEREAS, the Child Care Association of Illinois has been instrumental in the development of progressive legislation and programs to serve children and families, such as the Family Preservation Act and the Families First initiative; and

WHEREAS, the State of Illinois recognizes and highly values the importance of a strong public and voluntary sector partnership for serving children and families; and

WHEREAS, the Child Care Association of Illinois was founded on June 6, 1964, and this month celebrates 25 years of service to children and families of Illinois;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 6, 1989, as CHILD CARE ASSOCIATION DAY in Illinois and on behalf of the citizens of Illinois, congratulate and express appreciation to the member agencies, board, and staff of the Child Care Association of Illinois for their long and dedicated service to children and families.

Issued June 1, 1989. Filed June 5, 1989.

PROCLAMATION

89-278

Safe Boating Week

WHEREAS, the waterways of Illinois will be put to good use this year, as every year, by nearly 300,000 registered recreational craft; and

WHEREAS, responsibility and safety are important factors in making each boating outing an enjoyable one; and

WHEREAS, since 1978, more than 34,000 boaters under the age of 18 have learned boating safety techniques through programs sponsored by the Illinois Department of Conservation; and

WHEREAS, this emphasis on boating safety has contributed to a reduction in accidents and more enjoyable boating conditions for all;

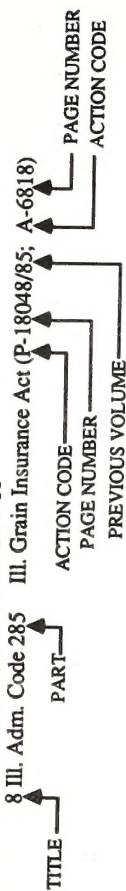
THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim June 4-10, 1989, as SAFE BOATING WEEK in Illinois in conjunction with the national observance. I urge all recreational boaters to focus their attention on the importance of safety and courtesy in boating.

Issued June 1, 1989. Filed June 5, 1989.

ACTION CODES		JCAR - Joint Committee on Administrative Rules	
A	- Adopted Rule	P	- Proposed Rule
AR	- Adopted Repealer	PF	- Prohibited Filing Ordered by JCAR
C	- Notice of Corrections	PP	- Peremptory or Court ordered Rules
CC	- Codification Changes	PR	- Proposed Repealer
E	- Emergency Rule	R	- Refusal to meet JCAR objection
ER	- Emergency Repealer	RC	- Statement of Recommendation
M	- Modification to meet JCAR objections	S	- Suspension ordered by JCAR
O	- JCAR Statement of Objections	W	- Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-685)
89 Ill. Adm. Code 230 Older Americans Act Programs (P-14777/88; A-2015) (P-12137/88; A-3054)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 255 Agricultural Facilities (P-2571)
8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-19153/88; A-3617)
8 Ill. Adm. Code 25 Animal Welfare Act (P-19164/88; A-3628)
8 Ill. Adm. Code 75 Bovine Brucellosis (P-19172/88; A-3636)
8 Ill. Adm. Code 20 Definitions (P-19178/88; W-2166)
8 Ill. Adm. Code 85 Diseased Animals (P-19185/88; A-3642)
8 Ill. Adm. Code 700 Farmland Preservation Act (P-14786/88; A-285) (P-17139/88; A-3653)
68 Ill. Adm. Code 600 Grain Dealers (P-19795/88; A-3665)
8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-19196/88; A-3676)
8 Ill. Adm. Code 90 III. Dead Animal Disposal Act (P-19201/88; A-3681)
8 Ill. Adm. Code 115 III. Seed Law (P-3511) (E-4015)
68 Ill. Adm. Code 230 Livestock Dealer Licensing (P-19205/88; A-3690)
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-2160) (P-19211/88; A-3696)
2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-5066)
8 Ill. Adm. Code 305 Public Grain Warehouse & Warehouse Receipts Act (P-19806/88; A-3703)
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-20309/88; A-3715)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF
77 Ill. Adm. Code 2056 Driving Under the Influence Programs (P-22265/88; A-7274)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 320 Powers, Incidental & Germane to Carrying on a General Banking Business (P-8737)
38 Ill. Adm. Code 303 Use of a State Bank's Corporate Name in Identification & Communication (P-2889)

CAPITAL DEVELOPMENT BOARD

44 Ill. Adm. Code 910 Procurement Practices (P-1917; A-8403)
71 Ill. Adm. Code 40 Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283; A-6973)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-7845) (E-8025)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 1300 Day Care (P-19223/88; A-4644)
80 Ill. Adm. Code 302 Merit & Fitness (P-1639) (P-15813/88; A-3722)
80 Ill. Adm. Code 310 Pay Plan (P-20584/88; RC-1254) (P-1296; A-8849) (P-2892) (PP-8080) (PP-8970)
80 Ill. Adm. Code 2150 Service-Connected Days Benefit Administration (P-10285/88; A-2402) (P-6853)
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-6871/88; O-1256; R-3411; A-3330)
80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-1; A-9259) (E-214)
44 Ill. Adm. Code 5040 State Vehicles & Garage (P-4071)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 334 Administration & Funding of Community-Based Services to Youth (P-11915/88; A-6986)
89 Ill. Adm. Code 385 Background Checks (P-13744/88; A-5917)
89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Department (P-11922/88; O-22457/88; R-2532; A-2407)
89 Ill. Adm. Code 310 Delivery of Youth Services Funded by the Department of Children & Family Services (P-11935/88; O-3412; RC-3414; R-7483; A-7308)
89 Ill. Adm. Code 437 Department of Children & Family Services Employee Conflict of Interest (P-13752/88; A-3339)

CIVIL SERVICE SYSTEM, STATE UNIVERSITIES

80 Ill. Adm. Code 250 State Universities Civil Service System (P-1921) (P-17569/88; A-7324)
COLLEGES AND UNIVERSITIES, BOARD OF GOVERNORS OF STATE
44 Ill. Adm. Code 530 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2648)
2 Ill. Adm. Code 5025 Public Information, Rulemaking & Organization (AR-3742) (A-3747)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 630 Corridors of Opportunity Program (P-4987/88; A-4164)
56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-3513) (E-4019)
47 Ill. Adm. Code 160 Emergency Shelter Grants Program (P-9271/88; A-2024)
14 Ill. Adm. Code 520 Enterprise Zone Program (P-4985)
14 Ill. Adm. Code 590 III. Large Business Development Program (P-15249/88; A-2028)
14 Ill. Adm. Code 570 III. Small Business Development Program (P-20714/87; A-58)
14 Ill. Adm. Code 620 Labor-Management Program (P-14797/88; A-1758)
56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-3515) (E-4028) (P-4331)
1 Ill. Adm. Code 300 Small Business Impact Analysis Procedures (P-8511/88; A-8407)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

JUNE 16, 1989

VOL. 13, ISSUE #24

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF (CONT'D)

- 47 Ill. Adm. Code 1
Standard Grant Administrative Requirements (P-4002)
- 47 Ill. Adm. Code 120
State Administration of the Federal Community Services Block Grant Program (P-8521/88; A-779) (P-1311) (P-4075)
- 47 Ill. Adm. Code 100
State Administration of the Federal Low-Income Home Energy Assistance Block Grant Program (P-1930) (P-4358)
- 56 Ill. Adm. Code 2610
Training Services for the Disadvantaged (P-5017)

COMMERCE COMMISSION, ILLINOIS

- 83 Ill. Adm. Code 325
Charitable Contributions (PR-18021/88; AR-4648)
- 83 Ill. Adm. Code 215
Designation of Agent (P-18026/88; A-4650)
- 83 Ill. Adm. Code 435
Electric Utility Forecasting (G.O.215) (PR-3; AR-8417)
- 83 Ill. Adm. Code 281
Energy Assistance (P-1647)
- 92 Ill. Adm. Code 1205
Fees & Taxes (P-1665)
- 92 Ill. Adm. Code 1206
Investigation & Suspension of Rates (P-1671)
- 92 Ill. Adm. Code 440
Least-Cost Planning for Electric Utilities (P-3162/88; A-296)
- 83 Ill. Adm. Code 535
Least-Cost Planning for Natural Gas Utilities (P-9314/88; A-7331)
- 92 Ill. Adm. Code 1730
Imposition of Sanctions Including the Suspension or Revocation of Licenses &/or the Assessment of Civil Penalties (G.O. 3(R)) (P-9061)
- 83 Ill. Adm. Code 590
Minimum Safety Standards for Transportation of Gas & for Gas Pipeline Facilities (P-9067)
- 92 Ill. Adm. Code 1304
Motor Carrier of Property Fitness Standards (P-13381/89; A-4654)
- 92 Ill. Adm. Code 1235
Practice Before the Independent Review Board (P-17045/88; A-4658)
- 92 Ill. Adm. Code 1225
Publication, Posting & Filing of Tariffs, Contracts, Schedules & Related Documents (P-1676)
- 92 Ill. Adm. Code 1595
Rail Carrier Contract Rates (PR-20978/88; AR-7564) (P-20974/88; A-7566)
- 92 Ill. Adm. Code 1710
Relocation Towing (P-110)
- 83 Ill. Adm. Code 595
Reports of Accidents or Incidents by Persons Engaged in the Transportation of Gas, or Who Own or Operate Gas Pipeline Facilities (P-16309/88; A-2036)
- 92 Ill. Adm. Code 1435
Sanctions Including Suspension or Revocation of Operating Authorities &/or the Assessment of Civil Penalties (G.O. 54(MC)) (P-9070)
- 83 Ill. Adm. Code 285
Standard Filing Requirements for Electric, Gas, Telephone, Water & Sewer Utilities in Filing for an Increase in Rates (G.O. 210) (P-5229)
- 83 Ill. Adm. Code 505
Uniform System of Accounts for Gas Utilities (P-1686)
- 83 Ill. Adm. Code 710
Uniform System of Accounts for Telecommunications Carriers (P-19563/88; A-7570) (P-9076)

COMMUNITY COLLEGE BOARD, ILLINOIS

- 23 Ill. Adm. Code 1501
Administration of the Ill. Public Community College Act (P-16313/88; A-1182) (P-3517) (P-4087) (P-4394)

COMPTROLLER

- 74 Ill. Adm. Code 280
Public Radio & Television Station Grants (P-19259/88; A-4664) (P-5314)

CONSERVATION, DEPARTMENT OF

- 17 Ill. Adm. Code 870
Aquaculture, Transportation, Stocking, Importation &/or Possession of Aquatic Life (P-3213)
- 17 Ill. Adm. Code 530
Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-4399)
- 17 Ill. Adm. Code 2030
Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967) (P-2378) (P-4417)
- 17 Ill. Adm. Code 730
Dove Hunting (P-2609)
- 17 Ill. Adm. Code 590
Duck, Goose & Coot Hunting (P-3221) (P-22244/88; O-3462) (P-8189)
- 17 Ill. Adm. Code 1590
Falconry & the Captive Propagation of Raptors (P-2622)
- 17 Ill. Adm. Code 930
Field Trials on Non-Department Owned or Managed Lands (P-3762)
- 17 Ill. Adm. Code 870
Fish Stocking, Importation, &/or Possession of Aquatic Life (PR-3264)
- 17 Ill. Adm. Code 1560
Forest Fire Protection Districts Act (P-2626)
- 17 Ill. Adm. Code 510
General Hunting & Trapping on Department-Owned or -Managed Sites (P-3268)
- 17 Ill. Adm. Code 1010
Ill. List of Endangered & Threatened Fauna (P-20325/88; A-4179)

CI - 3

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

JUNE 16, 1989

VOL. 13, ISSUE #24

CONSERVATION, DEPARTMENT OF (CONT'D)

- 17 Ill. Adm. Code 1050
Ill. List of Endangered & Threatened Flora (P-20335/88; A-3755)
- 17 Ill. Adm. Code 570
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-2632) (P-5087/88; A-12034/88; O-3468)
- 17 Ill. Adm. Code 220
North Point Marina (P-731; O-8125; RC-8128; M-9409; A-9269)
- 17 Ill. Adm. Code 230
North Point Marina Vendors (P-4430)
- 17 Ill. Adm. Code 970
Pigeon Shooting Permits (P-7518)
- 17 Ill. Adm. Code 1070
Possession of Specimens or Products of Endangered or Threatened Species (P-8741)
- 17 Ill. Adm. Code 110
Public Use of State Parks & Other Properties of the Department of Conservation (P-20363/88; A-3785)

- 17 Ill. Adm. Code 550
Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-3273)

- 17 Ill. Adm. Code 810
Sport Fishing Regs. for the Waters of Ill. (P-1690; A-8419)

- 17 Ill. Adm. Code 810
Squirrel Hunting (P-2641)

- 17 Ill. Adm. Code 690
Taking of Wild Turkeys - Fall Archery Season, The (P-4435)

- 17 Ill. Adm. Code 720
Taking of Wild Turkeys - Fall Gun Season, The (P-7854)

- 17 Ill. Adm. Code 715
Taking of Wild Turkeys - Spring Season, The (P-20993/88; A-5090; O-5796)

- 17 Ill. Adm. Code 710
White-Tailed Deer Hunting by Use of Bow & Arrow (P-5052)

- 17 Ill. Adm. Code 670
White-Tailed Deer Hunting by Use of Firearms (P-4442)

- 17 Ill. Adm. Code 650
Woodcock, Snipe, Rail & Teal Hunting (P-4458)

CORRECTIONS, DEPARTMENT OF

- 2 Ill. Adm. Code 850
Public Information, Rulemaking & Organization (A-1510)
- 20 Ill. Adm. Code 107
Records of Committed Persons (P-979; A-6992)
- 20 Ill. Adm. Code 502
Safety, Maintenance & Sanitation (P-3528)
- 20 Ill. Adm. Code 501
Security (P-7181)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

- 20 Ill. Adm. Code 1520
Operating Procedures for the Administration of Federal Funds (P-1317; A-5926) (E-1605)

EDUCATION, STATE BOARD OF

- 23 Ill. Adm. Code 25
Certification (P-8756)
- 23 Ill. Adm. Code 500
Educational Service Centers (P-1730)
- 23 Ill. Adm. Code 227
Gifted Education (P-4097)
- 23 Ill. Adm. Code 210
Learning Assessment & School Improvement Plans (P-8766)
- 23 Ill. Adm. Code 451
Private Business & Vocational Schools (PR-9082) (P-9133)
- 23 Ill. Adm. Code 110
Program Accounting Manual (P-12625/88; A-7610)
- 23 Ill. Adm. Code 275
Pupil Transportation (P-12745/88; A-1532)
- 23 Ill. Adm. Code 120
Pupil Transportation Reimbursement (P-19266/88; O-3416; R-7815; A-7731)
- 23 Ill. Adm. Code 230
Summer School for Gifted & Remedial Education (P-12747/88; A-1535)
- 23 Ill. Adm. Code 254
Vocational Education (P-8777/88; A-8459)

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

- 23 Ill. Adm. Code 2310
Functions & Planning Program (P-1319; A-7898)
- 2 Ill. Adm. Code 5200
Public Information, Rulemaking & Organization (A-7902)

ELECTIONS, STATE BOARD OF

- 26 Ill. Adm. Code 208
Constitutional Amendments & Statewide Questions of Public Policy (P-5317)
- 26 Ill. Adm. Code 201
Established Political Party & Independent Candidate Nominating Petitions (P-5322)
- 26 Ill. Adm. Code 207
Miscellaneous (P-5327)
- 26 Ill. Adm. Code 202
New Political Party Nominating Petitions (P-5339)

EMERGENCY SERVICES AND DISASTER AGENCY

- 29 Ill. Adm. Code 430
Emergency & Written Notification of an Incident or Accident Involving a Reportable Hazardous Substance (P-17575/88; A-2040)
- 29 Ill. Adm. Code 430
Telephone Notification of Hazardous Incidents (PR-17585/88; AR-2049)

CI - 4

ILLINOIS REGISTER

VOL. 13, ISSUE #24

1989 CUMULATIVE INDEX

JUNE 16, 1989

- EMPLOYMENT SECURITY, DEPARTMENT OF**
 56 Ill. Adm. Code 2725 Administrative Hearings & Appeals (P-5344)
 56 Ill. Adm. Code 2905 Alien Status (P-2229)
 56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-5362)
 56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-743)
 56 Ill. Adm. Code 2920 Disqualifying Income & Reduced Benefits (P-17592/88; A-1773) (P-22295/88; A-5936)
 56 Ill. Adm. Code 2732 Employment (P-1945; A-8864)
 56 Ill. Adm. Code 2712 General Applications (P-15257/88; O-22482/88; R-965; A-795)
 56 Ill. Adm. Code 2960 General Provisions (P-17; A-5940)
 56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-752) (P-5375)
ENVIRONMENTAL PROTECTION AGENCY
 35 Ill. Adm. Code 378 Effluent Disinfection Exemptions (P-12753/88; A-1190)
 35 Ill. Adm. Code 661 General Conditions of Grants for the Financing & Construction of Public Water Supply Facilities (P-1738)
 35 Ill. Adm. Code 183 Joint Rules of the Environmental Protection Agency & the Department of Public Health: Certification & Operation of Environmental Laboratories (P-7522)
 35 Ill. Adm. Code 251 Procedures for Collection of Air Pollution Site Fees (E-955) (P-19825/88; A-8867)
 35 Ill. Adm. Code 365 Procedures for Issuing Loans from the Water Pollution Control Revolving Fund (P-18030/88; RC-5798; A-7351)
 35 Ill. Adm. Code 838 Procedures for Operation of the Non-Hazardous Solid Waste Fee System (A-5945)
EXPERIMENTAL ORGAN TRANSPLANTATION PROCEDURES BOARD
 77 Ill. Adm. Code 2800 Transplantation Program (P-6856)
FARM DEVELOPMENT AUTHORITY, ILLINOIS
 8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-5545/88; A-2440)
FINANCIAL INSTITUTIONS, DEPARTMENT OF
 38 Ill. Adm. Code 190 Ill. Credit Union Act (P-14097/88; O-22489/88; R-966; A-3793) (P-4107)
FIRE MARSHAL, OFFICE OF THE STATE
 41 Ill. Adm. Code 100 Fire Prevention & Safety (E-582) (P-1323)
 41 Ill. Adm. Code 180 Storage, Transportation, Sale & Use of Gasoline & Volatile Oils (P-1754) (E-1875; O-5807)
 41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (P-1756) (E-1886) (A-5669) (A-7744) (A-8515) (A-8875)
HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS
 77 Ill. Adm. Code 2510 Data Collection (P-13694/88; A-334) (P-8198)
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS
 47 Ill. Adm. Code 350 Low Income Housing Tax Credit Allocation (P-15265/88; A-5947)
 47 Ill. Adm. Code 360 Mortgage Credit Certificates (P-19603/88; O-8131)
ILLINOIS, BOARD OF TRUSTEES OF THE UNIVERSITY OF
 44 Ill. Adm. Code 535 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2766)
 89 Ill. Adm. Code 1200 Program Content & Guidelines for Division of Services for Crippled Children (P-20613/88; A-9283)
INSURANCE, DEPARTMENT OF
 50 Ill. Adm. Code 301 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2901)
 50 Ill. Adm. Code 401 Accumulation of Guaranty Fund or Guaranty Capital-Reporting & Accounting of Such Indebtedness (P-2905)

ILLINOIS REGISTER

VOL. 13, ISSUE #24

1989 CUMULATIVE INDEX

JUNE 16, 1989

- INSURANCE, DEPARTMENT OF (CONT'D)**
 50 Ill. Adm. Code 6302 Definition of Salary (P-15269/88; A-3801)
 50 Ill. Adm. Code 2502 Fees for Various Certificates Under Section 408 (PR-2234)
 50 Ill. Adm. Code 601 Foreign & Alien Insurer Annual Audited Financial Reports (P-11985/88; A-2051)
 50 Ill. Adm. Code 919 Improper Claims Practice (P-13535/88; C-17456/88; A-1204)
 50 Ill. Adm. Code 2012 Long-Term Care Insurance (P-9181)
 50 Ill. Adm. Code 2008 Minimum Standards for Individual & Group Medicare Supplement Insurance (P-251; A-8520) (E-586; O-3471)
 50 Ill. Adm. Code 6701 Notice of Eligibility (P-17617/88; A-5951)
 50 Ill. Adm. Code 6301 Pension & Examination Procedure (P-14502/88; A-1780)
 50 Ill. Adm. Code 754 Rules & Rate Filings (P-2057/88; A-1542)
 50 Ill. Adm. Code 201 Subordinated Indebtedness (P-2909)
 50 Ill. Adm. Code 2801 Surplus Line Business Requirements (P-3531)
 50 Ill. Adm. Code 2011 Transitional Requirements for the Conversion of Medicare Supplement Insurance Benefits & Premiums to Conform to Medicare Program Revisions (P-13558/88; A-3804)
INVESTMENT, ILLINOIS STATE BOARD OF
 80 Ill. Adm. Code 2700 State (of Ill.) Employees' Deferred Compensation Plan (P-253; A-9308) (E-629)
LABOR, DEPARTMENT OF
 56 Ill. Adm. Code 350 Health & Safety (P-5839) (P-15272/88; W-6819)
LABOR RELATIONS BOARD, ILLINOIS EDUCATIONAL
 80 Ill. Adm. Code 1125 Fair Share Fee Objections (P-16375/88; O-22478/88; R-1905; A-1784)
 80 Ill. Adm. Code 1100 General Procedures (P-1327)
 80 Ill. Adm. Code 1105 Hearing Procedures (P-1335)
 80 Ill. Adm. Code 1110 Representation Procedures (P-1355)
 80 Ill. Adm. Code 1120 Unfair Labor Practice Proceedings (P-1379)
LABOR RELATIONS BOARD, ILLINOIS STATE/LABOR RELATIONS BOARD, ILLINOIS LOCAL
 2 Ill. Adm. Code 2500 Public Information, Rulemaking & Organization (A-22210/88; CC-2883)
LOCAL RECORDS COMMISSION OF COOK COUNTY
 44 Ill. Adm. Code 4500 Local Records Commission of Cook County (P-7860)
LOTTERY, DEPARTMENT OF
 11 Ill. Adm. Code 1770 Lottery (General) (P-10298/88; O-3419; R-8116; A-7908) (PR-10331/88; AR-7906)
MENTAL HEALTH & DEVELOPMENTAL DISABILITIES, DEPARTMENT OF
 59 Ill. Adm. Code 106 Services Charges (P-18087/88; A-3821)
 59 Ill. Adm. Code 112 Treatment (P-8208)
MILITARY AFFAIRS, DEPARTMENT OF
 23 Ill. Adm. Code 3300 Loan of Military Artifacts (P-14809/88; O-3440; R-4957; A-4672)
 71 Ill. Adm. Code 1510 Rental of National Guard Armories (P-14813/88; O-3442; R-5210; A-5098)
MINES AND MINERALS, DEPARTMENT OF
 62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-23; A-5955) (P-756)
NUCLEAR SAFETY, DEPARTMENT OF
 32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-982)
 2 Ill. Adm. Code 1076 Freedom of Information Procedures (A-7940)
 32 Ill. Adm. Code 332 Licensing Requirements for Source Material Milling Facilities (P-5874)
 32 Ill. Adm. Code 410 Radiation Inspectors & Inspections (P-13841/88; A-342)
 32 Ill. Adm. Code 360 Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-13858/88; A-803)

POLLUTION CONTROL BOARD

- 35 Ill. Adm. Code 243 Air Quality Standards (P-19290/88; W-2536)
35 Ill. Adm. Code 211 Definitions & General Provisions (P-19296/88; W-2537)
35 Ill. Adm. Code 304 Effluent Standards (P-11669/88; A-351) (P-11397/88; A-2060) (P-15815/88; A-5976) (P-18092/88; A-7754) (P-14509/88; A-8880) (P-9204)
35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (P-255)
35 Ill. Adm. Code 101 General Rules (P-14822/88; O-8135)
35 Ill. Adm. Code 231 Hazardous Air Pollutants (PR-9212)
35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-15327/88; A-362)
35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-15347/88; A-382)
35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15402/88; A-437)
35 Ill. Adm. Code 301 Introduction (P-15823/88; A-5984)
35 Ill. Adm. Code 601 Introduction (P-262)
35 Ill. Adm. Code 849 Management of Scrap Tires (P-15828/88; A-7949)
35 Ill. Adm. Code 305 Monitoring & Reporting (P-15835/88; A-5989)
35 Ill. Adm. Code 230 New Source Performance Standards (PR-9223)
35 Ill. Adm. Code 309 Permit (P-15839/88; A-5993)
35 Ill. Adm. Code 201 Permits & General Provisions (P-5154/88; O-20221/88; R-1624; A-2046) (P-8782)
35 Ill. Adm. Code 310 Pretreatment Programs (P-16384/88; A-2463)
35 Ill. Adm. Code 703 RCRA Permit Program (P-15444/88; A-447)
35 Ill. Adm. Code 605 Sampling & Monitoring (P-269; C-2539)
35 Ill. Adm. Code 307 Sewer Discharge Criteria (P-16396/88; A-478)
35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-15449/88; A-452)
35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15455/88; A-458)
35 Ill. Adm. Code 704 UIC Permit Program (P-17167/88; A-478)
35 Ill. Adm. Code 731 Underground Storage Tanks (P-2650) (P-6861)
35 Ill. Adm. Code 302 Water Quality Standards (P-15844/88; A-5998)
35 Ill. Adm. Code 303 Water Use Designations & Site-Specific Water Quality Standards (P-7863)

PRISONER REVIEW BOARD

- 20 Ill. Adm. Code 1610 Prisoner Review Board (P-4774/88; A-3063)

PROFESSIONAL REGULATION, DEPARTMENT OF

- 68 Ill. Adm. Code 1175 Barber, Cosmetology & Esthetics Act of 1985, The (E-6810) (P-7185)
68 Ill. Adm. Code 1400 Clinical Psychologist Licensing Act (E-2519)
68 Ill. Adm. Code 1470 Clinical Social Work & Social Work Practice Act (E-5771)
68 Ill. Adm. Code 1220 Dental Practice Act (P-5867/88; O-3444; RC-3447; R-4306; A-4191) (P-5398)
68 Ill. Adm. Code 1250 Funeral Directors & Embalmers Act (P-3535)
68 Ill. Adm. Code 1465 Ill. Speech-Language Pathology & Audiology Practice Act, The (P-1388) (E-1616)
68 Ill. Adm. Code 1480 Ill. Structural Engineering Act, The (P-5424) (E-5781)
68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-274) (P-8571/88; A-483) (E-651; O-3475)
68 Ill. Adm. Code 1280 Medical Practice Act of 1987 (PR-8536/88; AR-513)
68 Ill. Adm. Code 1320 Optometric Practice Act of 1987 (P-8606/88; A-6994)
68 Ill. Adm. Code 1360 Podiatry Act, The (P-14963/88; O-3450; RC-3452)
68 Ill. Adm. Code 1400 Podiatric Medical Practice Act of 1987 (P-14963/88; O-3450; RC-3452; R-4308; A-3234)
68 Ill. Adm. Code 1470 Psychologist Registration Act (P-2913)
68 Ill. Adm. Code 1500 Social Workers Registration Act (P-5426)
Veterinary Medicine & Surgery Practice Act (P-18100/88; A-3826)

PROPERTY TAX APPEAL BOARD

- 86 Ill. Adm. Code 1910 Procedures (P-8790)

PUBLIC AID, DEPARTMENT OF

- 89 Ill. Adm. Code 130 Administration of Social Service Programs (P-20649/88; A-3831) (P-4469)

PUBLIC AID, DEPARTMENT OF (CONT'D)

- 89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-15905/88; A-70) (P-1948) (P-2236; A-8567) (P-4116) (P-20661/88; A-6017) (P-22308/88; A-6017) (P-8246)
89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-15898/88; A-63) (E-3402) (P-4481) (P-5440) (P-20654/88; A-6007) (P-22299/88; A-6007)
89 Ill. Adm. Code 110 Application Process (P-2931) (P-20670/88; A-3836)
89 Ill. Adm. Code 111 Assistance Standards (P-15920/88; A-85) (P-20674/88; A-3840)
89 Ill. Adm. Code 160 Child Support Enforcement (P-1396; A-7761) (P-20677/88; A-4268) (P-21039/88; A-4268) (P-7867) (P-8255)
89 Ill. Adm. Code 165 Collections & Recoveries (P-20679/88; A-3843) (P-5450)
89 Ill. Adm. Code 116 Crisis Assistance (P-20683/88; A-3847)
89 Ill. Adm. Code 170 Demonstration Programs (P-4490)
89 Ill. Adm. Code 141 Drug Manual (P-15482/88; A-516) (P-20370/88; A-3850) (P-7873) (E-8036)
89 Ill. Adm. Code 121 Food Stamps (P-3541) (P-20686/88; A-3890)
2 Ill. Adm. Code 1101 Freedom of Information (A-8885)
89 Ill. Adm. Code 101 General Administrative Provisions (P-20694/88; A-3897)
89 Ill. Adm. Code 114 General Assistance (P-14996/88; A-89) (P-15924/88; A-89) (P-17621/88; A-1546) (P-1959; A-8580) (P-20697/88; A-3900) (P-5456)
III. Competitive Access & Reimbursement Equity (ICARE) Program (P-13917/88; A-554) (P-3553)
Medical Assistance Programs (P-15938/88; A-1116) (P-17633/88; A-2081) (P-3281) (P-20705/88; A-3908) (P-9250)
Medical Payment (P-11995/88; A-125; CC-2543) (P-16421/88; O-1259; M-3195; A-3069) (P-17172/88; O-1263; R-2538; A-2475) (P-1420) (P-2937) (P-3295) (P-5958/88; A-3351) (P-12976/88; A-3917) (P-17643/88; A-5115) (P-5465) (P-11701/88; A-5718) (P-17172/88; A-5718) (P-19868/88; A-7025) (P-7546) (P-20714/88; A-7786)
Point Count Guidelines for ICFMR & SNF/PED Facilities (A-7040)
Refugee/Entrant/Repatriate Program (P-2702) (P-20735/88; A-3932)
Reimbursement for Nursing Costs for Geriatric Facilities (P-10627/88; O-20231/88; R-677; A-559) (P-3562) (P-17201/88; O-5800; R-7148; A-7043)
Related Program Provisions (P-20739/88; A-3936) (P-5487)
Rights & Responsibilities (P-20743/88; A-3940)
Rules of Practice in Administrative Hearings (P-2958) (P-20747/88; A-3944)
Special Eligibility Groups (P-20753/88; A-3950)
Support Responsibility of Relatives (P-17667/88; A-2496) (P-20757/88; A-3954)

PUBLIC HEALTH, DEPARTMENT OF

- 77 Ill. Adm. Code 200 Alcoholism & Intoxication Treatment Programs (PR-17673/88; A-4681)
77 Ill. Adm. Code 855 Asbestos Abatement for Public & Private Schools in Ill. (P-6564/88; A-2768) (P-8824)
77 Ill. Adm. Code 665 Child Health Examination (P-8840)
77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks (P-2249) (P-19327/88; A-4285)
77 Ill. Adm. Code 694 College Immunization Code (P-5491)
77 Ill. Adm. Code 535 Emergency Medical Services (P-4126) (P-4500)
77 Ill. Adm. Code 910 Field Sanitation Rules (P-8282)
77 Ill. Adm. Code 750 Food Service Sanitation Code (P-14113/88; A-1819) (P-6888)
77 Ill. Adm. Code 250 Hospital Licensing Requirements (P-7875)
77 Ill. Adm. Code 710 Ill. Alzheimer's Disease & Related Disorders Assistance Code (P-6913)
77 Ill. Adm. Code 490 Ill. Blood Bank Code (P-2974)
77 Ill. Adm. Code 790 Ill. Formula for the Drug Product Selection Program, The (P-12991/88; A-856) (P-16425/88; A-856) (P-3015) (E-3108) (P-20411/88; A-8890)
77 Ill. Adm. Code 890 Ill. Plumbing Code (P-4543)
77 Ill. Adm. Code 540 Ill. Trauma Center Code (P-4616)
77 Ill. Adm. Code 350 Intermediate Care for the Developmentally Disabled Facilities Code (P-21621/88; A-6040) (P-8293)
Joint Rules of the Environmental Protection Agency and the Department of Public Health; Certification & Operation of Environmental Laboratories (P-7561)
Long Term Care for Under Age 22 Facilities Code (P-21064/88; A-6301) (P-8315)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

JUNE 16, 1989

VOL. 13, ISSUE #24

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

JUNE 16, 1989

PUBLIC HEALTH, DEPARTMENT OF (CONT'D)

- 77 Ill. Adm. Code 661 Newborn Metabolic Screening & Treatment Code (P-3599)
 77 Ill. Adm. Code 698 Petusis Vaccine Pamphlet Code (P-7194)
 68 Ill. Adm. Code 750 Plumbers (PR-6934)
 68 Ill. Adm. Code 750 Plumbers Licensing Code (P-6949)
 77 Ill. Adm. Code 635 Program Content & Guidelines for Title X Family Planning Services (P-5505)
 77 Ill. Adm. Code 380 Residential Rehabilitation Facilities Code (P-987; W-8123)
 77 Ill. Adm. Code 760 Retail Food Store Sanitation Code (P-14115/88; A-1830) (P-6964)
 77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, & Cosmetics (PR-7265/88; AR-2517)
 77 Ill. Adm. Code 725 Salvage Warehouses & Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices & Cosmetics (P-7272/88; A-2502)
 77 Ill. Adm. Code 330 Sheltered Care Facilities Code (P-21893/88; A-6562) (P-8336)
 77 Ill. Adm. Code 300 Skilled Nursing & Intermediate Care Facilities Code (P-21333/88; A-4684) (P-13581/88; A-5134) (P-8347)
 77 Ill. Adm. Code 830 Structural Pest Control Code (P-3325/88; A-2090)
 77 Ill. Adm. Code 542 Trauma Nurse Specialist Course Code (P-4544/88; A-3086)
- PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD**
 77 Ill. Adm. Code 1150 Certificate of Need for Health Maintenance Organizations (PR-5580)
 77 Ill. Adm. Code 1100 Narrative & Planning Policies (P-5596)
 77 Ill. Adm. Code 1110 Processing, Classification Policies & Review Criteria (P-5619)

RACING BOARD, ILLINOIS

- 11 Ill. Adm. Code 422 Approval of Racing Officials (P-13922/88; A-1558)
 11 Ill. Adm. Code 208 Charitable Funds (P-13928/88; O-20234/88; M-1250; A-1232)
 11 Ill. Adm. Code 437 County Fair Regs. (P-1099; O-5802; R-7484; A-7435)
 11 Ill. Adm. Code 502 Licensing (P-17755/88; A-1562) (P-18105/88; A-4931)
 11 Ill. Adm. Code 1409 Ownership, Partnership & Stable Name (P-17761/88; O-1266; R-1906; A-1841)
 11 Ill. Adm. Code 417 Pick Six Rules (E-1899; O-5811) (P-1979)
 11 Ill. Adm. Code 404 Race Track Improvement Fund (P-13936/88; A-7440)
 11 Ill. Adm. Code 1308 Racing, Farm, Corporate or Stable Name (P-17766/88; O-1268; R-2167; A-2156)
 11 Ill. Adm. Code 1410 Trainers & Owners (P-4345; A-1846)

RECORDS COMMISSION, STATE

- 44 Ill. Adm. Code 4400 State Records Commission (P-44; A-7444)

REGENTS, BOARD OF

- 44 Ill. Adm. Code 525 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2709)
 Procurement from Minority & Female Owned Business Enterprises (P-2746)

REHABILITATION SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 510 Administrative Reviews & Hearings (PR-3020)
 89 Ill. Adm. Code 870 Applicant Assistance Unit, The (P-8379)
 89 Ill. Adm. Code 557 Application (P-5914)
 89 Ill. Adm. Code 510 Appeals & Hearings (P-3036)
 89 Ill. Adm. Code 520 Authorization (P-6911/88; A-5149)
 89 Ill. Adm. Code 562 Client Financial Participation (P-4685/88; A-2866)
 89 Ill. Adm. Code 530 Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-3565/88; A-141)
 89 Ill. Adm. Code 825 Definition of Terms (P-13941/88; A-7958)
 89 Ill. Adm. Code 843 Disability Case Development Process (P-15015/88; A-4298)
 89 Ill. Adm. Code 693 Disposition of Application (P-8384)
 89 Ill. Adm. Code 552 Eligibility (P-52; W-4309) (P-277)
 89 Ill. Adm. Code 765 Establishment & Administration of Special Education, The (P-13948/88; A-5154)
- REHABILITATION SERVICES, DEPARTMENT OF (CONT'D)**
 89 Ill. Adm. Code 850 Medical Improvement Review Standard for Continuing Disability (P-8910/88; A-22454/88; CC-3196)
 89 Ill. Adm. Code 587 Medical, Psychological & Related Services (P-2192/88; A-1850)
 89 Ill. Adm. Code 685 Non-Financial Eligibility Criteria (P-15023/88; A-5158)
 89 Ill. Adm. Code 714 Non-Homemaker Service Provider Requirements (P-4152) (P-13952/88; A-8911)
 89 Ill. Adm. Code 607 Other Services (P-56) (E-225; O-3478)
 89 Ill. Adm. Code 622 Post-Employment Services (P-8387)
 89 Ill. Adm. Code 675 Program Description (P-13956/88; A-6768)
 2 Ill. Adm. Code 1175 Public Information, Rulemaking, Department Organization (A-8604)
 89 Ill. Adm. Code 760 Responsibility for Special Education (P-2043/88; A-9329)
 89 Ill. Adm. Code 845 Service Plan Development (P-10409/88; A-3101)
 89 Ill. Adm. Code 829 Sequential Evaluation Process for the Determination of Disability (P-4641)
 89 Ill. Adm. Code 567 Sex Equity (P-5990/88; A-5755)
 89 Ill. Adm. Code 597 Similar Benefits (P-281)
 89 Ill. Adm. Code 895 Tools, Equipment, Supplies & Initial Stock (P-2197/88; A-1568) (P-7212)
 89 Ill. Adm. Code 895 Total Life Planning Program (P-3310)
 89 Ill. Adm. Code 592 Training Services (P-2092/88; A-1573)
 89 Ill. Adm. Code 650 Vending Stand Program for the Blind (P-15520/89; A-7465)
- RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES**
 80 Ill. Adm. Code 1570 Administration & Operation of the State Employees' Retirement System of Ill.-Social Security Unit, The (P-14122/88; O-22492/88; R-1626; A-1577)
- REVENUE, DEPARTMENT OF**
 86 Ill. Adm. Code 425 Alcoholic Liquor -- Hearings (PR-19976/88; AR-6780)
 86 Ill. Adm. Code 180 Automobile Renting Occupation Tax (P-11056/88; A-9332)
 86 Ill. Adm. Code 210 Board of Appeals (P-11060/88; A-6782)
 86 Ill. Adm. Code 445 Cigarette Tax Act -- Hearings (PR-19981/88; AR-6785)
 86 Ill. Adm. Code 455 Cigarette Use Tax Act -- Hearings (PR-19987/88; AR-6787)
 86 Ill. Adm. Code 600 County Supplementary Retailers' Occupation Tax (P-1448; A-9336)
 86 Ill. Adm. Code 600 County Supplementary Retailers' Occupation Tax Regs. (P-1448)
 86 Ill. Adm. Code 610 County Supplementary Service Occupation Tax (P-1460; A-9348)
 86 Ill. Adm. Code 610 County Supplementary Service Occupation Tax Regs. (P-1460)
 86 Ill. Adm. Code 620 County Supplementary Use Tax (P-1468; A-9357)
 86 Ill. Adm. Code 620 County Supplementary Use Tax Regs. (P-1468)
 86 Ill. Adm. Code 630 County Water Commission Retailers' Occupation Tax (P-1473; A-9362)
 86 Ill. Adm. Code 630 County Water Commission Retailers' Occupation Tax Regs. (P-1473)
 86 Ill. Adm. Code 640 County Water Commission Service Occupation Tax (P-1485; A-9374)
 86 Ill. Adm. Code 640 County Water Commission Service Occupation Tax Regs. (P-1485)
 86 Ill. Adm. Code 650 County Water Commission Use Tax (P-1493; A-9383)
 86 Ill. Adm. Code 650 County Water Commission Use Tax Regs. (P-1493)
 86 Ill. Adm. Code 100 Income Tax Regs. (P-768; A-8917) (P-2383)
 86 Ill. Adm. Code 200 Practice & Procedure for Hearings Before the Ill. Department of Revenue (P-19993/88; A-6789)
 86 Ill. Adm. Code 110 Property Tax/Revenue Act of 1939 (P-20007/88; A-6803) (P-22373/88; A-7469)
 86 Ill. Adm. Code 432 Pull Tabs & Jar Games Act (P-15027/88; A-191)
 86 Ill. Adm. Code 200 Retailers' Occupation Tax Hearings (PR-20012/88; AR-6808)
 86 Ill. Adm. Code 130 Retailers' Occupation Tax Regs. (P-8391)
 86 Ill. Adm. Code 530 Senior Citizens & Disabled Persons Property Tax Relief & Pharmaceutical Assistance Act (P-11104/88; A-1589)
 86 Ill. Adm. Code 140 Service Occupation Tax (P-11108/88; A-9388)
 86 Ill. Adm. Code 160 Service Use Tax (P-11119/88; A-9399)
 86 Ill. Adm. Code 525 Tax Increment Allocation Financing (E-5788)
 86 Ill. Adm. Code 150 Use Tax Regs. (P-7215)
 86 Ill. Adm. Code 151 Vehicle Use Tax Regs. (P-1498)

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

JUNE 16, 1989

VOL. 13, ISSUE #24

SAVINGS AND LOAN ASSOCIATIONS, COMMISSIONER OF

38 Ill. Adm. Code 400 Ill. Savings & Loan Act of 1985 (P-1985; A-8927)

SCHOLARSHIP COMMISSION, STATE

General Provisions (P-18110/88; A-8626)
23 Ill. Adm. Code 1700
Guaranteed Loan Programs (P-15047/88; A-2872) (P-18114/88; RC-5805; A-8630)
23 Ill. Adm. Code 1720
Paul Douglas Teacher Scholarship Program (P-18134/88; A-8650)
23 Ill. Adm. Code 1762
State Scholar Program (P-18138/88; A-8654)
23 Ill. Adm. Code 1760

SECRETARY OF STATE

92 Ill. Adm. Code 1040 Cancellation, Revocation or Suspension of Licenses or Permits (P-15947/88; A-1593)
92 Ill. Adm. Code 1010 (P-17259/88; A-5162) (P-19636/88; A-7802) (P-20760/88; A-8659)
92 Ill. Adm. Code 1003 (P-19642/88; A-5173) (P-5655)
14 Ill. Adm. Code 1003 Collection of Fees (P-20019/88; O-3454; RC-3458; R-7150; A-7048)
14 Ill. Adm. Code 177 Credit Services Organizations (P-20434/88; A-4937)
92 Ill. Adm. Code 1020 Dealers, Wreckers, Transporters & Rebuilders (P-5665)
92 Ill. Adm. Code 1000 General Rules, Definitions (P-3316) (P-17269/88; A-5185)
23 Ill. Adm. Code 3030 Ill. Library System Act, The (P-12180/88; A-1244)
92 Ill. Adm. Code 1030 Issuance of Licenses (P-2395) (P-2753) (P-3324) (P-3611) (P-17275/88; A-5192)
14 Ill. Adm. Code 176 (P-20768/88; A-7808) (P-7892)
92 Ill. Adm. Code 1001 Notary Public Records (P-17770/89; A-5197)
92 Ill. Adm. Code 1019 Procedures & Standards (P-7229)
Remittance Agents (P-19652/88; A-4944)

SOUTHERN ILLINOIS UNIVERSITY, BOARD OF TRUSTEES OF

44 Ill. Adm. Code 540 Joint Rules of the Board of Regents, the Board of Governors of State Colleges & Universities, the Board of Trustees of the University of Ill., & the Board of Trustees of Southern Ill. University: Procurement & Bidding (P-2764)

STATE POLICE, DEPARTMENT OF

20 Ill. Adm. Code 1295 Certification & Training of Electronic Criminal Surveillance Officers (P-17064/88; RC-1270; A-1856)
20 Ill. Adm. Code 1240 Law Enforcement Agencies Data System (LEADS) (P-22127/88; A-8961)

STATE POLICE MERIT BOARD, DEPARTMENT OF

80 Ill. Adm. Code 150 Procedures of the Department of State Police Merit Board (P-16438/88; A-5201)

TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 177 Carriage by Public Highway (P-20027/88; A-3957)
92 Ill. Adm. Code 10 Disadvantaged, Minority & Woman-Owned Businesses (P-19365/88; A-3962)
92 Ill. Adm. Code 545 Financing the Installation & Maintenance of School Traffic Signals & Commercial-Industrial Traffic Signals on State Highways (P-1111; RC-81/1)
92 Ill. Adm. Code 708 Floodway Construction in Northeastern Ill. (P-1503; A-8667)
92 Ill. Adm. Code 171 General Information, Regs., & Definitions (P-20032/88; A-3984)
92 Ill. Adm. Code 172 Hazardous Materials Table & Hazardous Materials Communications (P-20040/88; A-3993)
92 Ill. Adm. Code 448 Official Testing Stations (P-1127; A-7973)
92 Ill. Adm. Code 96 Pal-Waukee Municipal Airport Hazard-Zoning (P-15049/88; A-4)
92 Ill. Adm. Code 518 Relocation Assistance & Payments Program (PP-7057)
92 Ill. Adm. Code 173 Shippers General Requirements for Shipments & Packagings (P-20055/88; A-3998)
92 Ill. Adm. Code 178 Shipping Container Specifications (P-20045/88; A-4004)
92 Ill. Adm. Code 452 Vehicle Inspection Stations Governing School Buses (PR-16447/88; W-2881)
92 Ill. Adm. Code 451 Vehicle Inspections (P-16536/88; W-2882)
92 Ill. Adm. Code 534 Vending Machines in Rest Areas (P-15952/88; A-1866) (P-2760)

CI - 11

ILLINOIS REGISTER

1989 CUMULATIVE INDEX

JUNE 16, 1989

VOL. 13, ISSUE #24

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda

January 9, 1989 239
March 1, 1989 2548
April 5, 1989 4310
May 9, 1989 7155
June 6, 1989 8709

Second Notices Received

242, 668, 969, 1275, 1628, 1907, 2208, 2565, 2884, 3203, 3501, 4056, 4321, 4958, 5211, 5820, 6820, 7165, 7504, 7819, 8172, 8717, 9037, 9411

PUBLIC HEARINGS ON PROPOSED RULES

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law 8145

ELECTIONS, STATE BOARD OF

26 Ill. Adm. Code 203 Constitutional Amendments & Statewide Questions of Public Policy 7151
26 Ill. Adm. Code 201 Established Political Party & Independent Candidate Nominating Petitions 7152
26 Ill. Adm. Code 207 Miscellaneous 7153
26 Ill. Adm. Code 202 New Political Party Nominating Petitions 7154

FIRE MARSHAL, OFFICE OF THE STATE

41 Ill. Adm. Code 100 Fire Prevention & Safety 2168

POLLUTION CONTROL BOARD

35 Ill. Adm. Code 615 Standards for Existing Activities Located Within a Setback Zone or Regulated Recharge Area 5814
35 Ill. Adm. Code 616 Standards for New Activities Located Within a Setback Zone or Regulated Recharge Area 5816

PROFESSIONAL REGULATION, DEPARTMENT OF

68 Ill. Adm. Code 1400 Psychologist Registration Act 9410

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 450 Clinical Laboratories & Blood Banks 2545
77 Ill. Adm. Code 694 College Immunization Code 5818
77 Ill. Adm. Code 694 College Immunization Code 7485
77 Ill. Adm. Code 750 Food Service Sanitation Code 7487
77 Ill. Adm. Code 490 Ill. Blood Bank Code 3199
77 Ill. Adm. Code 698 Pertussis Vaccine Pamphlet Code 7489
68 Ill. Adm. Code 750 Plumbers Licensing Code 7491
77 Ill. Adm. Code 635 Program Content & Guidelines for Title X Family Planning Services 7493
77 Ill. Adm. Code 760 Retail Food Service Sanitation Code 7495

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by Commerce Bancshares, Inc., Kansas City, Missouri, to Acquire First Bankers Trustshares, Inc., Quincy, Illinois 4055
Notice of Acceptance of an Application by First Bank, Inc., St. Louis, Missouri, to Acquire the Salem National Bank, Salem, Illinois 2169

CI - 12

PUBLIC INFORMATION (CONT'D)

BANKS AND TRUST COMPANIES, COMMISSIONER OF (CONT'D)

Notice of Acceptance of an Application by First of America Bank Corporation to Acquire Whiteside County Bank 1627
Notice of Acceptance of an Application by Old National Bancorp to Acquire the First National Bank of Harrisburg 968

EDUCATION LOAN AUTHORITY, ILLINOIS INDEPENDENT HIGHER

23 Ill. Adm. Code 1960 Bond Issue Fees 7816
2 Ill. Adm. Code 5250 Public Information, Rulemaking & Organization 7817

LABOR, DEPARTMENT OF

List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project 3201
List of Contractors Prohibited from an Award of a Contract or a Subcontract for Public Works Project 3202

RACING BOARD, ILLINOIS

11 Ill. Adm. Code Race Track Improvement Fund 7818

REVENUE, DEPARTMENT OF

Index of Letter Rulings (Fourth Quarter of 1988) (ROT) 2170
Index of Letter Rulings (Fourth Quarter of 1988) (Income Tax) 3481
Index of Letter Rulings (First Quarter of 1989) (Income Tax) 8146
Index of Letter Rulings (First Quarter of 1989) (ROT) 8674

REGULATORY AGENDA

AGING, DEPARTMENT ON

89 Ill. Adm. Code 230 Older Americans Act Programs 3197

REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 515 Advisory Councils 7497
89 Ill. Adm. Code 540 Auxiliary Aids 7498
89 Ill. Adm. Code 885 Centers for Independent Living 7499
89 Ill. Adm. Code 730 Ill. Visually Handicapped Institute 7500
89 Ill. Adm. Code 685 Non-Financial Eligibility Criteria 7501
89 Ill. Adm. Code 700 Service Plan Development 7502
89 Ill. Adm. Code 650 Vending Facility Program for the Blind 7503

EXECUTIVE ORDERS AND PROCLAMATIONS

EXECUTIVE ORDERS

89-1 Rescinding Executive Order 85-2 & Establishing the Ill. Planning Council on Developmental Disabilities 2212
89-2 Executive Order Creating A Science & Technology Advisor to the Governor 4960

PROCLAMATIONS

89-001 James R. Wolfe's Memorial Award Day 669
89-002 Chicago Opera Theater Week 670
89-003 American History Month 671
89-004 Congratulates Frank R. Adams 672
89-005 Vocational Education Week 673
89-006 Volunteer Connection Day 674
89-007 Cerebral Palsy Month 675

PROCLAMATIONS (CONT'D)

89-008 Four Chaplains Sunday 676
89-009 Homemakers Extension Association Week 677
89-010 Ill. Trail Appreciation Month 678
89-010 Ill. Trail Appreciation Month (Revised) 1277
89-011 School Social Work Week 679
89-012 American Savings & Loan/100th Anniversary 680
89-013 Center For Children's Services Day 681
89-014 Child Find Month 682
89-015 Jaycee Week 683
89-016 Commissioned Corps of the United States Public Health Service Day 684
89-017 Ill. Salutes India Month 971
89-018 Junior Achievement Week 972
89-019 Kiwanis Week 973
89-020 Land Surveyors' Month 974
89-021 Smiles for Little City Days 975
89-022 Chicago Advertising Woman of the Year Week 976
89-023 Dr. Martin Luther King Day 977
89-024 Declares the Counties of Edwards, Wabash, Wayne & White to be Disaster Areas 978
89-025 ROTC Week 1278
89-026 Seed Month 1279
89-027 Amateur Athletic Union Physique Day 1280
89-028 Nutrition Month 1281
89-029 American Homeless Awareness Day 1629
89-030 Community Action Day 1630
89-031 Orchid Week 1631
89-032 Sales & Marketing Month 1632
89-033 Poison Prevention Week 1633
89-034 Ukrainian Independence Day 1634
89-035 Free Enterprise Week 1635
89-036 Snowmobile Safety Week 1636
89-037 Women in Sports Day 1637
89-038 Burn Awareness Week 1909
89-039 Earth Day 1910
89-040 Ill. Jaycee Week 1911
89-041 Ill. Lumber & Material Dealers Days 1912
89-042 Consumers Week 1913
89-043 African-American History Month 1914
89-044 Lions of Ill. Eye Bank Day 1915
89-045 Black History Month 2219
89-046 Employ the Older Worker Week 2220
89-047 Future Business Leaders of America-Phi Beta Lambda Month 2221
89-048 Lithuanian Independence Day 2222
89-049 United States Power Squadrons Day 2223
89-050 Cardiac Rehabilitation Week 2224
89-051 Future Farmers of America Week 2225
89-052 Labor-Management Cooperation Week 2226
89-053 STC's International Technical Communication Week 2227
89-054 Engineers Week 2228
89-055 DuPage County Sequicentennial 2268
89-056 Tornado Preparedness Week 2569
89-057 Legislators' Fitness Day 2570
89-058 Rehabilitation Facilities Week 2887
89-059 Recognizes John G. Gilbert 2888
89-060 Grammy Awards Celebration Day 3205
89-061 Listening Awareness Day 3206

PROCLAMATIONS (CONT'D)

89-062	RP Awareness Day	3207
89-063	St. David's Day	3208
89-064	Women's History Month	3209
89-065	Casimir Pulaski Day	3210
89-066	Ill. State Quarter Convention Week	3211
89-067	Youth Art Month	3212
89-068	Viet Nam Veterans Day	3503
89-069	International Demolay Week	3504
89-070	Agriculture Week	3505
89-071	Herman Bryant Day	3506
89-072	Four Seasons Hotel Chicago Opening Day	3507
89-073	City of Belleville Year	3508
89-074	Shamrocks Against Dystrophy Days in Ill.	3509
89-075	Technical Education Week	3510
89-076	Pharmacy Day	4057
89-077	Arts Education Week	4058
89-078	Biomedical Equipment Technology Week	4059
89-079	U. S. Savings Bond Month	4060
89-080	Congratulates Top Ladies of Distinction	4061
89-081	Earthquake Awareness Week	4062
89-082	Home Center Week	4063
89-083	Junior League of Springfield Appreciation Week	4064
89-084	Licensed Practical Nurse Week	4065
89-085	POW/MIA Day	7821
89-086	Professional Social Work Month	4066
89-087	Rochelle Lee Fund Day	4067
89-088	School Psychology Week	4068
89-089	Call Before You Dig Month	4069
89-090	Ill. Veterans Affairs Day	4070
89-091	Marine Night Fighter Association Days	4323
89-092	Recognizes Clarence Darrow Community Center/Honors George Kalindonis	4324
89-093	Surgical Technologist Week	4325
89-094	Auctioneer's Week	4326
89-095	Ill. Clean & Beautiful & Tree City USA Appreciation Month	4327
89-096	Volunteer Week	4328
89-097	Bielarusian/Bielorussian Day	4329
89-098	Breastfeeding Promotion Month	4962
89-099	High Blood Pressure Month	4963
89-100	Jesse White Day	4964
89-100	Jesse White Day (Revised)	4965
89-101	Library Week	8719
89-101	Library Week (Revised)	4966
89-102	Professional Secretaries Week/Professional Secretaries Day	6823
89-103	School Library Day	4967
89-104	Veterinary Medical Education Week	4968
89-105	American Vintage Wristwatch Day	4969
89-106	Gamma Phi Circus Week	4970
89-107	Ill. Employee Fitness Day	4971
89-108	Parks & Recreation Month	4972
89-109	Building Safety Week	4973
89-110	Groundwater Protection Month	4974
89-111	Ill. Cooperative Extension Day	4975
89-112	Ill. Industry Appreciation Day	4976
89-113	Post Anesthesia Nurse Awareness Week	4977

PROCLAMATIONS (CONT'D)

89-114	Recycling Week	4979
89-115	Public Health Professionals: Peers & Partners Week	4980
89-116	Business Opportunity Days	4981
89-117	Drinking Water Week	4982
89-118	Ill. Science Day	4983
89-119	Irv Kupcinet Day	5212
89-120	Keep America Beautiful Month	5213
89-121	Lioness Caramel Corn Day	5214
89-122	Medical Laboratory Week	5215
89-123	State Horseshoe Festival Day (Revised)	5216
89-123	State Horseshoe Festival Day (Revised)	7505
89-124	Stroke Club Day	5217
89-125	United Insurance Company of America Day	5218
89-126	Youth Temperance Education Week	5219
89-127	His Eminence Archbishop Iakovos/90th Anniversary	5220
89-128	Rainbow House/Arco Iris Day	5221
89-129	Days of Remembrance	5222
89-130	Deputy Chief Gerald B. Creed Day	5223
89-131	Lake & Watershed Management Month	5224
89-132	Student Athlete Day	5822
89-133	Corfu-Tasty Gyros, Inc. Day	5823
89-134	Recognizes the 35th Anniversary of the Nu Iota Chapter of Alpha Omicron Pi	5824
89-135	Ted Liss Day	5825
89-136	New Homes Month	5826
89-137	Queen Isabella Day	5827
89-138	Coin Week	5828
89-139	Hyde Park Art Center Day	5829
89-140	Job's Daughters Week	5830
89-141	Medical Assistants' Week	5831
89-142	Rural Electric Youth Day	5832
89-143	Special Olympics Week	5833
89-144	Ill. Historical Library Month	5834
89-145	Victim Rights Week	5835
89-146	Welcome Home Chuck Marshall Day	5836
89-147	James & Sybil Stockdale Day	5837
89-148	Design-Drafting Week	6824
89-149	Bielarusian Independence Day	6835
89-150	Child Abuse Prevention Month	6836
89-151	Earth Week	6837
89-152	Grade Crossing Safety Week	6838
89-153	Music Week	6839
89-154	Small Business Week	6840
89-155	Adopt-A-Cat Month	6841
89-156	Child Support Awareness Day	6842
89-157	Croatian Independence Day	6843
89-158	Displaced Homemakers' Week	6844
89-159	Food & Beverage Packaging Week (Revised)	6845
89-160	Motorcycle Awareness Month	7167
89-161	Older Americans Month	6846
89-162	Public Service Recognition Week	6847
89-163	Space Development Week	6848
89-164	CMM7 - Converting Machinery/Materials Day	6849
89-165	Community Mental Health Services Week	6850
89-166	Entrepreneur Achievement Week	6851

PROCLAMATIONS (CONT'D)

89-167	Goodwill Industries Week	6853
89-168	Nursing: The Heartbeat of Health Care Days In Chicago Day	6854
89-169	Pan American Week	6855
89-170	Credit Education Week	6856
89-171	Dr. Jack L. Greider Day	6857
89-172	Commemorates Warsaw Ghetto Uprising	6858
89-173	Day of Prayer	6859
89-174	Municipal Clerks Week	6860
89-175	Subcontractors Month	6861
89-176	Music in Our Schools Month	7168
89-177	Centennians Day	7169
89-178	Student Council Leadership Week	7170
89-179	Teacher Appreciation Week	7171
89-180	The Year of Recognition for the Institute of Business Designers	7172
89-181	Just Say No Day	7173
89-182	Moscow-Chicago Theatre Exchange Week	7174
89-183	Nursing Home Week	7175
89-184	Enterostomal Therapy Nurses Day	7176
89-185	Nurses' Week	7177
89-186	Bird Appreciation Week	7178
89-187	Swamp Collecting Week	7179
89-188	Stephen A. Forbes Biological Station Day	7180
89-189	Youth Workout Day	7506
89-190	Disabled American Veterans' Days	7507
89-191	Plant a Living Legacy, a Continuing Dedication	7508
89-192	All Presidents Day	7509
89-193	Better Hearing & Speech Month	7510
89-194	Manufactured Housing Week	7511
89-195	Asian American Heritage Month	7512
89-196	City of Hope Day	7513
89-197	Korean War Veteran Day	7822
89-198	Medical Research Days	7823
89-199	Police Memorial Day/National Police Week/National Police Memorial Day	7824
89-200	Exceptional Children's Week	7825
89-201	Foster Parent Month	7826
89-202	Maritime Day	7827
89-203	Mother's Day	7828
89-204	Senior Citizens' Center of Oak Park & River Forest Day	7829
89-205	Adopt-A-Cop Month	7830
89-206	Insurance Agents Week	7831
89-207	Nurses Week at Edward Hines, Jr. VA Hospital	7832
89-208	Take Your Hus Off to Transit Day	7833
89-209	Unclaimed Property Week	7834
89-210	Correctional Officer Week	7835
89-211	Productivity & Quality Improvement Month	7836
89-212	Week of the High Risk Child	7837
89-213	De La Salle Day	7838
89-214	Salvation Army Week	7839
89-215	American G.I. Forum Days	7840
89-216	Carol Fowler Day	7841
89-217	Estate Planning Day	7842
89-218	International Museum Day	7843
89-219	Organ & Tissue Donor Awareness Week	8174
89-220	Children's Memorial Institute of Education & Research Day	8175
89-221	James J. McCarthy Day	8176

PROCLAMATIONS (CONT'D)

89-222	Retired Teachers Week	8177
89-223	Student Service Corporation Vocational Education Day	8178
89-224	Buckle-Up America Week	8179
89-225	Hospital Day	8180
89-226	Ill. Bell Operator Day	8181
89-227	Ill. - USA Karate Federation Day	8182
89-228	Students Against Driving Drunk Month	8183
89-229	Itis & Colitis Awareness Week	8184
89-230	Mental Health Month	8185
89-231	Victor Vasarely Week	8186
89-232	National Association of Insurance Women's Week	8187
89-233	Neurofibromatosis Awareness Week	8188
89-234	Firefighter Memorial Day	8720
89-235	Hull House Week	8721
89-236	Barrier Awareness Week	8722
89-237	Catholic Heritage Week	8723
89-238	Fishing Week	8724
89-239	Ill. Rivers Appreciation Month	8725
89-240	Transportation Week	8726
89-241	Water Quality Week	8727
89-242	A.H. Entertainers, Inc./50th Anniversary	8728
89-243	Congratulates Dr. Morton Goldberg	8729
89-244	Cornelia de Lange Awareness Day	8730
89-245	Gateway Day	8731
89-246	Golden Trumpets Day	8732
89-247	John H. Johnson Day	8733
89-248	Pharmaceutical Manufacturers Day	8734
89-249	React Month	8735
89-250	Israel Independence Day	9039
89-251	Lions Of Ill. Hearing Screening Day	9040
89-252	Ortho-Olympics Day	9041
89-253	Railroad Women's Day	9042
89-254	Wild Horse & Burro Week	9043
89-255	Congratulates Dorothy McConner	9044
89-256	Customer Service Week	9045
89-257	Father's Day	9046
89-258	Ill. Business Week	9047
89-259	Odd Fellow-Rebekah Day	9048
89-260	Peer Pedersen Day	9049
89-261	Pest Control Month	9050
89-262	Safety Week	9051
89-263	U.S. Coast Guard Auxiliary Day	9052
89-264	Junior Olympics Days	9053
89-265	Criminal Justice Awareness Day	9054
89-266	Father Leo Enlow Day	9055
89-267	Ill. Marine Corps League Days	9056
89-268	Jeffrey Jackson Day	9057
89-269	U.S. Space Observance Days/Space Exploration Day	9058
89-270	Vocational Student Organization Week	9059
89-271	Sri Chinnoy Silver Jubilee Day	9413
89-272	St. Paul Federal Day	9414
89-273	Korea Unification Day	9415
89-274	Blood Donor Awareness Month	9416
89-275	Forgotten Eyes Day	9417
89-276	Talent-Linkage-Chicago Day	9418

89-277 Child Care Association Day
89-278 Safe Boating Week

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 III. Adm. Code 100-280 was proposed last year and adopted this year. The action entry reads: (P-8577/86; A-7724). The codes for both columns are listed below. For a complete listing of the Titles of the *Illinois Administrative Code*, please refer to 1 III. Adm. Code 100-140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 1		
300.100	n	(P-851/88; A-8407)
300.200	n	(P-851/88; A-8407)
300.300	n	(P-851/88; A-8407)
300.400	n	(P-851/88; A-8407)
300.Ap.	A	(P-851/88; A-8407)

TITLE 2		(A-5066)
700.Ap.D	am	(A-1510)
850.15	n	(A-1510)
850.20	am	(A-1510)
850.30	am	(A-1510)
850.110	am	(A-1510)
850.120	am	(A-1510)
850.130	am	(A-1510)
850.130	am	(A-1510)
850.205	n	(A-1510)
850.210	am	(A-1510)
850.220	am	(A-1510)
850.230	am	(A-1510)
850.240	am	(A-1510)
850.Tb.A	am	(A-1510)
850.Tb.B	am	(A-1510)
850.Tb.C	am	(A-1510)
850.Tb.D	am	(A-1510)
850.Tb.E	am	(A-1510)
850.Tb.G	am	(A-1510)
850.Tb.H	am	(A-1510)
1076.110	am	(A-7940)
1076.200	am	(A-7940)
1076.210	am	(A-7940)
1076.300	am	(A-7940)
1076.410	am	(A-7940)

[illegible]

TITLE 2 (CONTD)			TITLE 3 (CONTD)			TITLE 10 (CONTD)			TITLE 11 (CONTD)			TITLE 12 (CONTD)		
5025.230	r	(A-3742)	255.160	n	(P-2571)	1770.10	r	(P-10331/88; A-7906)	1770.20	r	(P-10331/88; A-7906)	1770.200	r	(P-10331/88; A-7906)
5025.310	n	(A-3747)	255.170	am	(P-19806/88; A-3703)	1770.20	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.20	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.210	r	(P-10331/88; A-7906)
5025.320	n	(A-3747)	505.10	am	(P-19806/88; A-3703)	1770.20	r	(P-10331/88; A-7906)	1770.30	r	(P-10298/88; O-3419; R-8116; A-7908)	1770.220	r	(P-10331/88; A-7906)
5025.Ap. A	r	(A-3742)	505.20	am	(P-19806/88; A-3703)	1770.30	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.30	n	(P-10298/88; O-3419; R-8116; A-7908)			
5200.10	am	(A-7902)	505.25	am	(P-19806/88; A-3703)	1770.30	r	(P-10331/88; A-7906)	1770.40	r	(P-10331/88; A-7906)			
			505.240	am	(P-19806/88; A-3703)	1770.40	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.40	n	(P-10298/88; O-3419; R-8116; A-7908)			
			505.280	am	(P-19806/88; A-3703)	1770.50	n	(P-10331/88; A-7906)	1770.50	n	(P-10298/88; O-3419; R-8116; A-7908)			
			505.310	am	(P-19806/88; A-3703)	1770.50	r	(P-10331/88; A-7906)	1770.50	r	(P-10331/88; A-7906)			
			700.Ap. F	am	(P-2598)	1770.60	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.60	n	(P-10298/88; O-3419; R-8116; A-7908)			
			700.Ap. G	am	(P-19164/88; A-3628)	1770.60	r	(P-10331/88; A-7906)	1770.60	r	(P-10331/88; A-7906)			
			700.Ap. I	am	(P-19164/88; A-3628)	1770.70	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.70	n	(P-10298/88; O-3419; R-8116; A-7908)			
			1400.147	am	(P-19164/88; A-3628)	1770.70	r	(P-10331/88; A-7906)	1770.70	r	(P-10331/88; A-7906)			
			1400.149	am	(P-19164/88; A-3628)	1770.80	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.80	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.80	r	(P-10331/88; A-7906)	1770.90	r	(P-10331/88; A-7906)			
						1770.90	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.90	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.100	r	(P-10331/88; A-7906)	1770.100	r	(P-10331/88; A-7906)			
						1770.100	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.100	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.110	r	(P-10331/88; A-7906)	1770.110	r	(P-10331/88; A-7906)			
						1770.110	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.110	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.120	r	(P-10331/88; A-7906)	1770.120	r	(P-10331/88; A-7906)			
						1770.120	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.120	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.130	r	(P-10331/88; A-7906)	1770.130	r	(P-10331/88; A-7906)			
						1770.130	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.130	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.140	r	(P-10331/88; A-7906)	1770.140	r	(P-10331/88; A-7906)			
						1770.140	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.140	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.150	r	(P-10331/88; A-7906)	1770.150	r	(P-10331/88; A-7906)			
						1770.150	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.150	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.160	r	(P-10331/88; A-7906)	1770.160	r	(P-10331/88; A-7906)			
						1770.160	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.160	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.170	r	(P-10331/88; A-7906)	1770.170	r	(P-10331/88; A-7906)			
						1770.170	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.170	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.180	r	(P-10331/88; A-7906)	1770.180	r	(P-10331/88; A-7906)			
						1770.180	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.180	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.190	r	(P-10331/88; A-7906)	1770.190	r	(P-10331/88; A-7906)			
						1770.190	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.190	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.200	r	(P-10331/88; A-7906)	1770.200	r	(P-10331/88; A-7906)			
						1770.200	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.200	n	(P-10298/88; O-3419; R-8116; A-7908)			

TITLE 2 (CONTD)			TITLE 3 (CONTD)			TITLE 10 (CONTD)			TITLE 11 (CONTD)			TITLE 12 (CONTD)		
5025.230	r	(A-3742)	255.160	n	(P-2571)	1770.10	r	(P-10331/88; A-7906)	1770.20	r	(P-10331/88; A-7906)	1770.200	r	(P-10331/88; A-7906)
5025.310	n	(A-3747)	255.170	am	(P-19806/88; A-3703)	1770.20	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.20	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.210	r	(P-10331/88; A-7906)
5025.320	n	(A-3747)	505.10	am	(P-19806/88; A-3703)	1770.20	r	(P-10331/88; A-7906)	1770.30	r	(P-10298/88; O-3419; R-8116; A-7908)	1770.220	r	(P-10331/88; A-7906)
5025.Ap. A	r	(A-3742)	505.20	am	(P-19806/88; A-3703)	1770.30	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.30	n	(P-10298/88; O-3419; R-8116; A-7908)			
5200.10	am	(A-7902)	505.25	am	(P-19806/88; A-3703)	1770.30	r	(P-10331/88; A-7906)	1770.40	r	(P-10331/88; A-7906)			
			505.240	am	(P-19806/88; A-3703)	1770.40	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.40	n	(P-10298/88; O-3419; R-8116; A-7908)			
			505.280	am	(P-19806/88; A-3703)	1770.50	n	(P-10331/88; A-7906)	1770.50	n	(P-10298/88; O-3419; R-8116; A-7908)			
			505.310	am	(P-19806/88; A-3703)	1770.50	r	(P-10331/88; A-7906)	1770.50	r	(P-10331/88; A-7906)			
			700.Ap. F	am	(P-2598)	1770.60	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.60	n	(P-10298/88; O-3419; R-8116; A-7908)			
			700.Ap. G	am	(P-19164/88; A-3628)	1770.60	r	(P-10331/88; A-7906)	1770.60	r	(P-10331/88; A-7906)			
			700.Ap. I	am	(P-19164/88; A-3628)	1770.70	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.70	n	(P-10298/88; O-3419; R-8116; A-7908)			
			1400.147	am	(P-19164/88; A-3628)	1770.70	r	(P-10331/88; A-7906)	1770.70	r	(P-10331/88; A-7906)			
			1400.149	am	(P-19164/88; A-3628)	1770.80	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.80	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.80	r	(P-10331/88; A-7906)	1770.90	r	(P-10331/88; A-7906)			
						1770.90	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.90	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.100	r	(P-10331/88; A-7906)	1770.100	r	(P-10331/88; A-7906)			
						1770.100	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.100	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.110	r	(P-10331/88; A-7906)	1770.110	r	(P-10331/88; A-7906)			
						1770.110	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.110	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.120	r	(P-10331/88; A-7906)	1770.120	r	(P-10331/88; A-7906)			
						1770.120	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.120	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.130	r	(P-10331/88; A-7906)	1770.130	r	(P-10331/88; A-7906)			
						1770.130	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.130	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.140	r	(P-10331/88; A-7906)	1770.140	r	(P-10331/88; A-7906)			
						1770.140	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.140	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.150	r	(P-10331/88; A-7906)	1770.150	r	(P-10331/88; A-7906)			
						1770.150	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.150	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.160	r	(P-10331/88; A-7906)	1770.160	r	(P-10331/88; A-7906)			
						1770.160	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.160	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.170	r	(P-10331/88; A-7906)	1770.170	r	(P-10331/88; A-7906)			
						1770.170	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.170	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.180	r	(P-10331/88; A-7906)	1770.180	r	(P-10331/88; A-7906)			
						1770.180	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.180	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.190	r	(P-10331/88; A-7906)	1770.190	r	(P-10331/88; A-7906)			
						1770.190	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.190	n	(P-10298/88; O-3419; R-8116; A-7908)			
						1770.200	r	(P-10331/88; A-7906)	1770.200	r	(P-10331/88; A-7906)			
						1770.200	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.200	n	(P-10298/88; O-3419; R-8116; A-7908)			

TITLE 2 (CONTD)			TITLE 3 (CONTD)			TITLE 10 (CONTD)			TITLE 11 (CONTD)			TITLE 12 (CONTD)		
5025.230	r	(A-3742)	255.160	n	(P-2571)	1770.10	r	(P-10331/88; A-7906)	1770.20	r	(P-10331/88; A-7906)	1770.200	r	(P-10331/88; A-7906)
5025.310	n	(A-3747)	255.170	am	(P-19806/88; A-3703)	1770.20	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.20	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.210	r	(P-10331/88; A-7906)
5025.320	n	(A-3747)	505.10	am	(P-19806/88; A-3703)	1770.20	r	(P-10331/88; A-7906)	1770.30	r	(P-10298/88; O-3419; R-8116; A-7908)	1770.220	r	(P-10331/88; A-7906)
5025.Ap. A	r	(A-3742)	505.20	am	(P-19806/88; A-3703)	1770.30	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.30	n	(P-10298/88; O-3419; R-8116; A-7908)			
5200.10	am	(A-7902)	505.25	am	(P-19806/88; A-3703)	1770.30	r	(P-10331/88; A-7906)	1770.40	r	(P-10331/88; A-7906)			
			505.240	am	(P-19806/88; A-3703)	1770.40	n	(P-10298/88; O-3419; R-8116; A-7908)	1770.40	n	(P-10298/88; O-3419; R-8116; A-7908)			
			505.280	am	(P-19806/88; A-3703)	1770.50	n	(P-10331/88; A-7906)	1770.50	n	(P-10298/88			

TABLE 17. (CONT'D.)		
220.90	n	(p=731)
230.10	n	(p=4430)
230.20	n	(p=4430)
230.30	n	(p=4430)
230.40	n	(p=4430)
230.50	n	(p=4430)
510.10	am	(p=3268)
530.20	am	(p=4399)
530.70	am	(p=4399)
530.80	am	(p=4399)
530.90	am	(p=4399)
530.100	am	(p=4399)
530.105	am	(p=4399)
530.110	am	(p=4399)
550.30	am	(p=3273)
550.40	am	(p=5087/88)
570.40	am	(p=2632)
570.20	am	(p=2632)
570.30	am	(p=2632)
570.40	am	(p=2632)
590.20	am	(p=3221) (f)
590.10	am	(p=8189)
590.25	n	(p=8189)
590.30	am	(p=3221)
590.40	am	(p=3221)
590.50	am	(p=3221)
590.60	am	(p=3221)
590 Ex. A	am	(p=3221)
650.20	am	(p=4442)
650.21	am	(p=4442)
650.22	am	(p=4442)
650.40	am	(p=4442)
650.50	am	(p=4442)
650.60	am	(p=4442)
670.20	am	(p=5052)
670.30	am	(p=5052)
670.40	am	(p=5052)
670.50	am	(p=5052)
670.55	am	(p=5052)
670.60	am	(p=5052)
690.30	am	(p=2641)
710.10	am	(p=20992/98)
710.20	am	(p=20992/98)
710.50	am	(p=20992/98)
715.10	n	(p=7854)
715.20	n	(p=7854)
715.30	n	(p=7854)
715.40	n	(p=7854)
720.10	am	(p=4435)
720.20	am	(p=4435)
730.20	am	(p=2609)
730.30	am	(p=2609)
740.10	am	(p=4458)
740.20	am	(p=4458)
810.40	am	(p=1690; A)
810.60	am	(p=1690; A)

TITLE 17 CONT'D		TITLE 20	
810.70	am	107.10	r
870.10	r	107.170	r
870.10	n		
870.15	r		
870.20	r		
870.20	n		
870.30	n		
870.30	r		
870.40	n		
870.40	n		
870.50	n		
870.60	n		
870.70	n		
930.45	am		
960.10	n		
960.20	n		
960.30	n		
960.40	n		
960.50	n		
970.10	n		
970.20	n		
970.30	n		
970.40	n		
970.50	n		
970.60	n		
1010.25	am		
1010.30	am		
1050.20	am		
1050.25	am		
1050.30	am		
1050.40	am		
1070.10	n		
1070.20	n		
1070.30	n		
1070.40	n		
1070.50	n		
1070.60	n		
1070.70	n		
1070.80	n		
1560.10	n		
1560.20	n		
1560.30	n		
1560.40	n		
1560.50	n		
1560.60	n		
1560.70	n		
1560.80	n		
1560.90	n		
1590.10	am		
1590.120	am		
2030.20	am		
2030.30	am		
2030.40	am		
2030.50	am		
2030.60	am		
2030.60	n		

TITLE 20 (CONT'D)		
501.130	am	(P-7181)
502.40	n	(P-3528)
1240.40	am	(P-22127/88; A-8961)
1295.10	n	(P-17064/88; A-1856)
1295.20	n	(P-17064/88; A-1856)
1295.30	n	(P-17064/88; A-1856)
1295.40	n	(P-17064/88; A-1856)
1295.50	n	(P-17064/88; RC-1270; A-1856)
1295.60	n	(P-17064/88; RC-1270; A-1856)
1295.70	n	(P-17064/88; RC-1270; A-1856)
1295.80	n	(P-17064/88; A-1856)
1520.10	am	(P-1317; A-5926) (E-1605)
1520.46	n	(P-1317; A-5926) (E-1605)
1520.50	am	(P-1317; A-5926) (E-1605)
1610.70	am	(P-4774/88; A-5063)
TITLE 23		
25.90	am	(P-8756)
110.10	am	(P-12625/88; A-7610)
110.20	am	(P-12625/88; A-7610)
110.25	am	(P-12625/88; A-7610)
110.30	am	(P-12625/88; A-7610)
110.40	am	(P-12625/88; A-7610)
110.50	am	(P-12625/88; A-7610)
110.60	am	(P-12625/88; A-7610)
110.70	am	(P-12625/88; A-7610)
110.80	am	(P-12625/88; A-7610)
110.90	am	(P-12625/88; A-7610)
110.110	am	(P-12625/88; A-7610)
110.1b, A	am	(P-12625/88; A-7610)
110.1b, B	am	(P-12625/88; A-7610)
110.1b, C	am	(P-12625/88; A-7610)
110.1b, D	am	(P-12625/88; A-7610)
120.10	am	(P-19266/88; A-7731)
120.60	am	(P-19266/88; A-7731)
120.110	am	(P-19266/88; A-7731)
120.130	n	(P-19266/88; O-3416; R-7815; A-7731)
120.200	am	(P-19266/88; A-7731)
120.210	am	(P-19266/88; A-7731)
120.235	n	(P-19266/88; A-7731)
210.10	am	(P-8766)
210.100	am	(P-8766)
210.110	am	(P-8766)
210.120	am	(P-8766)
210.130	am	(P-8766)
210.140	am	(P-8766)
210.150	am	(P-8766)
210.210	am	(P-8766)
210.220	am	(P-8766)
227.10	am	(P-4097)
227.12	n	(P-4097)
227.14	n	(P-4097)
227.16	n	(P-4097)
227.18	n	(P-4097)
227.30	n	(P-4097)

TITLE 23 (CONT'D)	
227.40	am (P-12747/88; A-14977)
230.10	am (P-12747/88; A-1535)
230.30	am (P-12747/88; A-1535)
230.60	am (P-12747/88; A-1535)
234.30	am (A-8459)
254.340	am (P-8777/88; A-8459)
254.370	am (P-8777/88; A-8459)
254.390	am (P-8777/88; A-8459)
254.610	am (P-8777/88; A-8459)
254.620	r (P-8777/88; A-8459)
254.2130	am (P-8777/88; A-8459)
254.2230	am (P-8777/88; A-8459)
254.2235	n (P-8777/88; A-8459)
254.2245	n (P-8777/88; A-8459)
254.2255	n (P-8777/88; A-8459)
254.2310	n (P-8777/88; A-8459)
254.2320	am (P-8777/88; A-8459)
254.2330	am (P-8777/88; A-8459)
254.2340	am (P-8777/88; A-8459)
254.2350	am (P-8777/88; A-8459)
275.90	am (P-12745/88; A-1532)
500.20	am (P-1730)
500.50	n (P-1730)
500.120	n (P-1730)
1501.307	am (P-4087)
1501.309	am (P-4087)
1501.501	am (P-3517)
1501.503	am (P-3517)
1501.508	am (P-3517)
1501.509	am (P-16313/88; A-1182)
1501.517	n (P-4394)
1700.20	am (P-18110/88; A-8626)
1720.6	am (P-18114/88; A-8630)
1720.10	am (P-18114/88; A-8630)
1720.20	am (P-18114/88; A-8630)
1720.30	am (P-18114/88; A-8630)
1720.40	am (P-18114/88; A-8630)
1720.50	am (P-18114/88; A-8630)
1720.60	am (P-18114/88; A-8630)
1720.70	am (P-18114/88; A-8630)
1720.80	am (P-18114/88; A-8630)
1720.90	am (P-18114/88; A-8630)
1720.10	r (P-18114/88; A-8630)
1720.120	am (P-18114/88; A-8630)
1720.140	r (P-15047/88; A-2872)
1720.160	r (P-15047/88; A-2872)
1720.180	am (P-18133/88; A-8654)
1762.30	am (P-18134/88; A-8650)
2310.80	r (P-1319; A-7898)
3030.105	am (P-12180/88; A-1244)
3300.10	n (P-14809/88; O-3440; R-4957; A-4672)
3300.20	n (P-14809/88; O-3440; R-4957; A-4672)
3300.30	n (P-14809/88; O-3440; R-4957; A-4672)
3300.40	n (P-14809/88; O-3440; R-4957; A-4672)

TITLE 35 (CONT'D)		
378.201	n	(P-12753/88; A-1190)
378.202	n	(P-12753/88; A-1190)
378.203	n	(P-12753/88; A-1190)
378.204	n	(P-12753/88; A-1190)
378.301	n	(P-12753/88; A-1190)
378.302	n	(P-12753/88; A-1190)
378.Ap. A	n	(P-12753/88; A-1190)
378.Ap. B	n	(P-12753/88; A-1190)
378.Ap. C	n	(P-12753/88; A-1190)
378.Ap. D	n	(P-12753/88; A-1190)
378.Ap. E	n	(P-12753/88; A-1190)
601.105	am	(P-2652)
604.203	am	(P-2652)
605.104	am	(P-269; P-2539)
661.302	am	(P-1738)
703.123	am	(P-15444/88; A-447)
704.143	am	(P-17167/88; A-478)
720.111	am	(P-15327/88; A-362)
720.111	am	(P-15327/88; A-362)
721.104	am	(P-15347/88; A-382)
721.105	am	(P-15347/88; A-382)
721.133	am	(P-15347/88; A-382)
721.Ap. H	am	(P-15347/88; A-382)
722.110	am	(P-15449/88; A-452)
722.151	am	(P-15449/88; A-452)
724.101	am	(P-15455/88; A-458)
724.Ap. I	am	(P-15455/88; A-458)
725.101	am	(P-15402/88; A-437)
731.101	r	(P-2650)
731.101	r	(P-6861)
731.102	r	(P-6861)
731.102	r	(P-2650)
731.103	r	(P-2650)
731.103	r	(P-6861)
731.110	n	(P-2650)
731.111	n	(P-2650)
731.112	n	(P-2650)
731.113	n	(P-2650)
731.114	n	(P-2650)
731.120	n	(P-2650)
731.121	n	(P-2650)
731.122	n	(P-2650)
731.130	n	(P-2650)
731.131	n	(P-2650)
731.132	n	(P-2650)
731.133	n	(P-2650)
731.134	n	(P-2650)
731.140	n	(P-2650)
731.141	n	(P-2650)
731.142	n	(P-2650)
731.143	n	(P-2650)
731.144	n	(P-2650)
731.145	n	(P-2650)
731.150	n	(P-2650)
731.151	n	(P-2650)

TITLE 35 (CONT'D.)			(P-2650)		
731.152	n	(P-2650)	731.152	n	(P-2650)
731.153	n	(P-2650)	731.153	n	(P-2650)
731.160	n	(P-2650)	731.160	n	(P-2650)
731.161	n	(P-2650)	731.161	n	(P-2650)
731.162	n	(P-2650)	731.162	n	(P-2650)
731.163	n	(P-2650)	731.163	n	(P-2650)
731.164	n	(P-2650)	731.164	n	(P-2650)
731.165	n	(P-2650)	731.165	n	(P-2650)
731.166	n	(P-2650)	731.166	n	(P-2650)
731.167	n	(P-2650)	731.167	n	(P-2650)
731.170	n	(P-2650)	731.170	n	(P-2650)
731.171	n	(P-2650)	731.171	n	(P-2650)
731.172	n	(P-2650)	731.172	n	(P-2650)
731.173	n	(P-2650)	731.173	n	(P-2650)
731.174	n	(P-2650)	731.174	n	(P-2650)
731.190	n	(P-6861)	731.190	n	(P-6861)
731.191	n	(P-6861)	731.191	n	(P-6861)
731.192	n	(P-6861)	731.192	n	(P-6861)
731.193	n	(P-6861)	731.193	n	(P-6861)
731.194	n	(P-6861)	731.194	n	(P-6861)
731.195	n	(P-6861)	731.195	n	(P-6861)
731.196	n	(P-6861)	731.196	n	(P-6861)
731.197	n	(P-6861)	731.197	n	(P-6861)
731.198	n	(P-6861)	731.198	n	(P-6861)
731.199	n	(P-6861)	731.199	n	(P-6861)
731.202	n	(P-6861)	731.202	n	(P-6861)
731.203	n	(P-6861)	731.203	n	(P-6861)
731.204	n	(P-6861)	731.204	n	(P-6861)
731.205	n	(P-6861)	731.205	n	(P-6861)
731.206	n	(P-6861)	731.206	n	(P-6861)
731.207	n	(P-6861)	731.207	n	(P-6861)
731.208	n	(P-6861)	731.208	n	(P-6861)
731.209	n	(P-6861)	731.209	n	(P-6861)
731.210	n	(P-6861)	731.210	n	(P-6861)
731.211	n	(P-6861)	731.211	n	(P-6861)
731.900	r	(P-2650)	731.900	r	(P-2650)
731.900	r	(P-6861)	731.900	r	(P-6861)
731.901	r	(P-2650)	731.901	r	(P-2650)
731.901	r	(P-6861)	731.901	r	(P-6861)
849.101	n	(P-1582/8)	849.101	n	(P-1582/8)
849.102	n	(P-1582/8)	849.102	n	(P-1582/8)
849.103	n	(P-1582/8)	849.103	n	(P-1582/8)
849.104	n	(P-1582/8)	849.104	n	(P-1582/8)
849.105	n	(P-1582/8)	849.105	n	(P-1582/8)
849.106	n	(P-1582/8)	849.106	n	(P-1582/8)
858.204	re	(A-5945)	858.204	re	(A-5945)
858.205	re	(A-5945)	858.205	re	(A-5945)
858.207	re	(A-5945)	858.207	re	(A-5945)
858.208	re	(A-5945)	858.208	re	(A-5945)
858.304	re	(A-5945)	858.304	re	(A-5945)
858.305	re	(A-5945)	858.305	re	(A-5945)
858.306	re	(A-5945)	858.306	re	(A-5945)
858.308	re	(A-5945)	858.308	re	(A-5945)
858.309	re	(A-5945)	858.309	re	(A-5945)
858.310	re	(A-5945)	858.310	re	(A-5945)

TITLE 33	TITLE 41
190.10	100.110
190.50	170.10
190.70	170.71
190.140	170.72
190.160	170.73
190.165	170.75
190.180	170.75
303.10	
303.20	
320.10	
320.20	
320.30	
320.40	
320.40	
400.110	
400.120	
400.130	
400.140	
400.141	
400.142	
400.150	
400.440	
400.510	
400.615	
400.665	
400.675	
400.710	
400.1020	
400.1030	
400.1530	
400.1660	
400.1550	
400.1110	
400.1120	
400.1140	
400.2010	
400.2055	
400.25000	
400.2510	
400.2520	
400.2700	
400.2710	

[illegible]

TITLE 41 (CONT'D)					
170.107	n	(P-1756) (E-1886)	170.520	n	(A-5669)
170.108	n	(P-1756) (E-1886)	170.521	n	(A-5669)
170.400	n	(A-5669)	170.522	n	(A-5669)
170.410	n	(A-5669)	170.523	n	(A-5669)
170.420	n	(A-5669)	170.524	n	(A-5669)
170.430	n	(A-5669)	170.525	n	(A-5669)
170.440	n	(A-5669)	170.526	n	(A-5669)
170.450	n	(A-5669)	170.527	n	(A-5669)
170.460	n	(A-5669)	170.528	n	(A-5669)
170.470	n	(A-5669)	170.529	n	(A-5669)
170.480	n	(A-5669)	170.530	n	(A-5669)
170.490	n	(A-5669)	170.531	n	(A-5669)
170.500	n	(A-5669)	170.532	n	(A-5669)
170.510	n	(A-5669)	170.533	am	(A-7744)
170.520	n	(A-5669)	170.534	n	(A-5669)
170.530	n	(A-5669)	170.535	n	(A-5669)
170.540	n	(A-5669)	170.536	n	(A-5669)
170.550	n	(A-5669)	170.537	n	(A-5669)
170.560	n	(A-5669)	170.538	n	(A-5669)
170.570	n	(A-5669)	170.539	n	(A-5669)
170.580	n	(A-5669)	170.540	n	(A-5669)
170.590	n	(A-5669)	170.541	n	(A-5669)
170.600	n	(A-5669)	170.542	n	(A-5669)
170.610	n	(A-5669) (A-8875)	170.543	n	(A-5669)
170.620	n	(A-5669)	170.544	n	(A-5669)
170.630	n	(A-5669)	170.545	n	(A-5669)
170.640	n	(A-5669)	170.546	n	(A-5669)
170.650	n	(A-5669)	170.547	n	(A-5669)
170.660	n	(A-5669)	170.548	n	(A-5669)
170.670	#	(A-5669)	170.549	n	(A-5669)
170.670	am	(A-5669)	170.550	n	(A-5669)
170.700	am	(A-5669)	170.551	n	(A-5669)
170.700	n	(A-8515)	170.552	n	(A-5669)
170.700	n	(A-5669)	170.553	n	(A-5669)
170.700	n	(A-5669)	170.554	n	(A-5669)
170.700	n	(A-5669)	170.555	n	(A-5669)
170.700	n	(A-5669)	170.556	n	(A-5669)
170.700	n	(A-5669)	170.557	n	(A-5669)
170.700	n	(A-5669)	170.558	n	(A-5669)
170.700	n	(A-5669)	170.559	n	(A-5669)
170.700	n	(A-5669)	170.560	n	(A-5669)
170.700	n	(A-5669)	170.561	n	(A-5669)
170.700	n	(A-5669)	170.562	n	(A-5669)
170.700	n	(A-5669)	170.563	n	(A-5669)
170.700	n	(A-5669)	170.564	n	(A-5669)
170.700	n	(A-5669)	170.565	n	(A-5669)
170.700	n	(A-5669)	170.566	n	(A-5669)
170.700	n	(A-5669)	170.567	n	(A-5669)
170.700	n	(A-5669)	170.568	n	(A-5669)
170.700	n	(A-5669)	170.569	n	(A-5669)
170.700	n	(A-5669)	170.570	n	(A-5669)
170.700	n	(A-5669)	170.571	n	(A-5669)
170.700	n	(A-5669)	170.572	n	(A-5669)
170.700	n	(A-5669)	170.573	n	(A-5669)
170.700	n	(A-5669)	170.574	n	(A-5669)
170.700	n	(A-5669)	170.575	n	(A-5669)
170.700	n	(A-5669)	170.576	n	(A-5669)
170.700	n	(A-5669)	170.577	n	(A-5669)
170.700	n	(A-5669)	170.578	n	(A-5669)
170.700	n	(A-5669)	170.579	n	(A-5669)
170.700	n	(A-5669)	170.580	n	(A-5669)
170.700	n	(A-5669)	170.581	n	(A-5669)
170.700	n	(A-5669)	170.582	n	(A-5669)
170.700	n	(A-5669)	170.583	n	(A-5669)

TITLE 44 (CONT'D)	
525.330	am (P-2709)
525.330	am (P-2709)
525.350	am (P-2709)
525.350	am (P-2709)
525.400	am (P-2709)
525.410	am (P-2709)
525.440	am (P-2709)
525.500	am (P-2709)
525.510	am (P-2709)
525.520	am (P-2709)
525.530	am (P-2709)
525.540	am (P-2709)
525.550	am (P-2709)
525.600	am (P-2709)
525.610	am (P-2709)
525.620	am (P-2709)
525.630	am (P-2709)
525.640	am (P-2709)
525.650	am (P-2709)
525.660	am (P-2709)
525.670	am (P-2709)
525.700	am (P-2709)
525.710	am (P-2709)
525.720	am (P-2709)
526.10	n (P-2746)
526.20	n (P-2746)
526.30	n (P-2746)
526.40	n (P-2746)
526.50	n (P-2746)
526.60	n (P-2746)
526.70	n (P-2746)
526.80	r (P-2648)
530.10	am (P-2648)
530.20	am (P-2648)
530.30	am (P-2648)
530.50	am (P-2648)
530.60	am (P-2648)
530.70	# (P-2648)
530.70	am (P-2648)
530.100	am (P-2648)
530.110	am (P-2648)
530.200	# (P-2648)
530.300	am (P-2648)
530.310	r (P-2648)
530.320	am (P-2648)
530.330	am (P-2648)
530.340	am (P-2648)
530.350	am (P-2648)
530.400	am (P-2648)
530.410	am (P-2648)
530.500	am (P-2648)
530.510	am (P-2648)
530.520	am (P-2648)
530.530	am (P-2648)
530.540	n (P-2648)
530.600	am (P-2648)
530.610	am (P-2648)
530.620	am (P-2648)
530.630	am (P-2648)
530.640	am (P-2648)

TITLE 44 (CONT'D)		
530,650	am	(P-2648)
530,660	am	(P-2648)
530,670	am	(P-2648)
530,680	am	(P-2648)
530,690	am	(P-2648)
530,700	am	(P-2648)
530,710	am	(P-2648)
530,720	am	(P-2648)
535.5	r	(P-2766)
535.10	am	(P-2766)
535.20	am	(P-2766)
535.30	n	(P-2766)
535.40	n	(P-2766)
535.50	n	(P-2766)
535.60	n	(P-2766)
535.70	#	(P-2766)
535.80	am	(P-2766)
535.90	am	(P-2766)
535.100	am	(P-2766)
535.110	am	(P-2766)
535.120	#	(P-2766)
535.130	am	(P-2766)
535.140	am	(P-2766)
535.150	am	(P-2766)
535.160	am	(P-2766)
535.170	am	(P-2766)
535.180	am	(P-2766)
535.190	am	(P-2766)
535.200	am	(P-2766)
535.210	am	(P-2766)
535.220	am	(P-2766)
535.230	am	(P-2766)
535.240	am	(P-2766)
535.250	am	(P-2766)
535.260	am	(P-2766)
535.270	am	(P-2766)
535.280	am	(P-2766)
535.290	am	(P-2766)
535.300	am	(P-2766)
535.310	r	(P-2766)
535.320	am	(P-2766)
535.330	am	(P-2766)
535.340	am	(P-2766)
535.350	am	(P-2766)
535.360	am	(P-2766)
535.370	am	(P-2766)
535.380	am	(P-2766)
535.390	am	(P-2766)
535.400	am	(P-2766)
535.410	am	(P-2766)
535.420	am	(P-2766)
535.430	am	(P-2766)
535.440	n	(P-2766)
535.450	am	(P-2766)
535.460	am	(P-2766)
535.470	am	(P-2766)
535.480	am	(P-2766)
535.490	am	(P-2766)
535.500	am	(P-2766)
535.510	am	(P-2766)
535.520	am	(P-2766)
535.530	am	(P-2766)
535.540	am	(P-2766)
535.550	am	(P-2766)
535.560	am	(P-2766)
535.570	am	(P-2766)
535.580	am	(P-2766)
535.590	am	(P-2766)
535.600	am	(P-2766)
535.610	am	(P-2766)
535.620	am	(P-2766)
535.630	am	(P-2766)
535.640	am	(P-2766)
535.650	am	(P-2766)
535.660	am	(P-2766)
535.670	am	(P-2766)
535.680	am	(P-2766)
535.690	am	(P-2766)
535.700	am	(P-2766)
535.710	am	(P-2766)
535.720	am	(P-2766)
540.5	r	(P-2764)
540.10	am	(P-2764)
540.20	am	(P-2764)
540.30	n	(P-2764)
540.40	n	(P-2764)
540.50	#	(P-2764)
540.60	am	(P-2764)
540.70	am	(P-2764)
540.80	am	(P-2764)
540.90	am	(P-2764)
540.100	am	(P-2764)
540.110	am	(P-2764)
540.120	#	(P-2764)
540.130	am	(P-2764)
540.140	am	(P-2764)
540.150	r	(P-2764)
540.160	am	(P-2764)
540.170	am	(P-2764)
540.180	am	(P-2764)
540.190	am	(P-2764)
540.200	am	(P-2764)
540.210	am	(P-2764)
540.220	am	(P-2764)
540.230	am	(P-2764)

TITLE 44 (CONT'D)		TITLE 47	
540.400	am	1.35	n
540.410	am	1.60	am
540.500	am	1.70	am
540.510	am	1.85	n
540.520	am	1.100	am
540.530	am	1.100	am
540.540	n	1.105	n
540.600	am	1.110	am
540.610	am	1.130	am
540.620	am	1.160	n
540.630	am	1.170	n
540.640	am	1.175	n
540.650	am	1.185	n
540.660	am	1.190	n
540.670	am	1.195	n
540.700	am	100.70	am
540.710	am	100.85	am
540.720	am	100.90	am
540.730	am	100.110	am
540.740	am	100.120	am
540.750	am	120.80	am
540.760	am	120.100	am
540.770	am	120.110	am
540.780	am	120.115	am
540.790	am	160.80	am
540.800	am	350.200	am
540.810	am	360.103	n
540.820	am		
540.830	am		
540.840	am		
540.850	am		
540.860	am		
540.870	am		
540.880	am		
540.890	am		
540.900	am		
540.910	am		
540.920	am		
540.930	am		
540.940	am		
540.950	am		
540.960	am		
540.970	am		
540.980	am		
540.990	am		
541.000	am		
541.010	am		
541.020	am		
541.030	am		
541.040	am		
541.050	am		
541.060	am		
541.070	am		
541.080	am		
541.090	am		
541.100	am		
541.110	am		
541.120	am		
541.130	am		
541.140	am		
541.150	am		
541.160	am		
541.170	am		
541.180	am		
541.190	am		
541.200	am		
541.210	am		
541.220	am		
541.230	am		
541.240	am		
541.250	am		
541.260	am		
541.270	am		
541.280	am		
541.290	am		
541.300	am		
541.310	am		
541.320	am		
541.330	am		
541.340	am		
541.350	am		
541.360	am		
541.370	am		
541.380	am		
541.390	am		
541.400	am		
541.410	am		
541.420	am		
541.430	am		
541.440	am		
541.450	am		
541.460	am		
541.470	am		
541.480	am		
541.490	am		
541.500	am		
541.510	am		
541.520	am		
541.530	am		
541.540	am		
541.550	am		
541.560	am		
541.570	am		
541.580	am		
541.590	am		
541.600	am		
541.610	am		
541.620	am		
541.630	am		
541.640	am		
541.650	am		
541.660	am		
541.670	am		
541.680	am		
541.690	am		
541.700	am		
541.710	am		
541.720	am		
541.730	am		
541.740	am		
541.750	am		
541.760	am		
541.770	am		
541.780	am		
541.790	am		
541.800	am		
541.810	am		
541.820	am		
541.830	am		
541.840	am		
541.850	am		
541.860	am		
541.870	am		
541.880	am		
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541.910	am		
541.920	am		
541.930	am		
541.940	am		
541.950	am		
541.960	am		
541.970	am		
541.980	am		
541.990	am		
542.000	am		
542.010	am		
542.020	am		
542.030	am		
542.040	am		
542.050	am		
542.060	am		
542.070	am		
542.080	am		
542.090	am		
542.100	am		
542.110	am		
542.120	am		
542.130	am		
542.140	am		
542.150	am		
542.160	am		
542.170	am		
542.180	am		
542.190	am		
542.200	am		
542.210	am		
542.220	am		
542.230	am		
542.240	am		
542.250	am		
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542.270	am		
542.280	am		
542.290	am		
542.300	am		
542.310	am		
542.320	am		
542.330	am		
542.340	am		
542.350	am		
542.360	am		
542.370	am		
542.380	am		
542.390	am		
542.400	am		
542.410	am		
542.420	am		
542.430	am		
542.440	am		
542.450	am		
542.460	am		
542.470	am		
542.480	am		
542.490	am		
542.500	am		
542.510	am		
542.520	am		
542.530	am		
542.540	am		
542.550	am		
542.560	am		
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542.580	am		
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542.610	am		
542.620	am		
542.630	am		
542.640	am		
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542.670	am		
542.680	am		
542.690	am		
542.700	am		
542.710	am		
542.720	am		
542.730	am		
542.740	am		
542.750	am		
542.760	am		
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542.800	am		
542.810	am		
542.820	am		
542.830	am		
542.840	am		
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542.930	am		
542.940	am		
542.950	am		
542.960	am		
542.970	am		
542.980	am		
542.990	am		
543.000	am		
543.010	am		
543.020	am		
543.030	am		
543.040	am		
543.050	am		
543.060	am		
543.070	am		
543.080	am		
543.090	am		
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543.120	am		
543.130	am		
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543.610	am		
543.620	am		
543.630	am		
543.640	am		
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543.940	am		
543.950	am		
543.960	am		
543.970	am		
543.980	am		
543.990	am		
544.000	am		
544.010	am		
544.020	am		
544.030	am		
544.040	am		
544.050	am		
544.060	am		
544.070	am		
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544.120	am		
544.130	am		
544.140	am		
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544.220	am		
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544.240	am		
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544.320	am		
544.330	am		
544.340	am		
544.350	am		
544.360	am		
544.370	am		
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544.420	am		
544.430	am		
544.440	am		
544.450	am		
544.460	am		
544.470	am		
544.480	am		
544.490	am		
544.500	am		
544.510	am		
544.520	am		
544.530	am		
544.540	am		
544.550	am		
544.560	am		
544.570	am		
544.580	am		
544.590			

TITLE 47 (CONT'D)		TITLE 50	
360.104	n	201.20	am
360.302	n	201.30	am
360.305	n	201.50	am
360.306	n	201.60	am
360.309	n	301.30	am
360.309	n	301.60	am
		301.70	am
		401.30	am
		401.60	am
		401.70	am
		601.10	am
		601.20	n
		601.30	n
		601.40	n
		601.50	n
		601.60	n
		601.70	n
		601.80	n
		601.90	n
		601.100	n
		601.110	n
		601.120	n
		601.130	n
		601.140	n
754.Ex. B			
919.10	am	919.10	am
919.20	am	919.20	am
919.30	am	919.30	am
919.40	am	919.40	am
919.50	am	919.50	am
919.60	am	919.60	am
919.70	am	919.70	am
919.80	am	919.80	am
919.90	am	919.90	am
919.Ex. A			
2008.10	am	2008.10	am
2008.20	am	2008.20	am
2008.30	am	2008.30	am
2008.40	am	2008.40	am
2008.50	am	2008.50	am
2008.60	am	2008.60	am
2008.70	am	2008.70	am
2008.71	n	2008.71	n
2008.80	am	2008.80	am
2008.81	n	2008.81	n
2008.82	n	2008.82	n
2008.90	am	2008.90	am
2008.Ap. A			
2008.Ap. B	am	2008.Ap. B	am

TITLE 77 (CONTD)

250.150	am	(P-7875)	300.840	am	(P-21333/88; A-4684)	300.2890	am	(P-21333/88; A-4684)	330.277	n	(P-21893/88; A-6562)
250.315	n	(P-7875)	300.1010	am	(P-21333/88; A-4684)	300.2900	am	(P-21333/88; A-4684)	330.278	am	(P-21893/88; A-6562)
250.330	am	(P-7875)	300.1020	am	(P-13581/88; A-5134)	300.2910	am	(P-21333/88; A-4684)	330.280	am	(P-21893/88; A-6562)
250.2140	am	(P-7875)	300.1025	n	(P-21333/88; A-4684)	300.2920	am	(P-21333/88; A-4684)	330.282	am	(P-21893/88; A-6562)
300.110	am	(P-21333/88; A-4684)	300.1030	am	(P-13581/88; A-5134)	300.2930	am	(P-21333/88; A-4684)	330.284	am	(P-21893/88; A-6562)
300.120	am	(P-21333/88; A-4684)	300.1040	am	(P-21333/88; A-4684)	300.2940	am	(P-21333/88; A-4684)	330.286	am	(P-21893/88; A-6562)
300.130	am	(P-21333/88; A-4684)	300.1050	am	(P-21333/88; A-4684)	300.3010	am	(P-21333/88; A-4684)	330.288	am	(P-21893/88; A-6562)
300.140	am	(P-21333/88; A-4684)	300.1210	am	(P-21333/88; A-4684)	300.3020	am	(P-21333/88; A-4684)	330.290	am	(P-21893/88; A-6562)
300.150	am	(P-21333/88; A-4684)	300.1220	am	(P-21333/88; A-4684)	300.3030	am	(P-21333/88; A-4684)	330.290	am	(P-21893/88; A-6562)
300.160	am	(P-21333/88; A-4684)	300.1230	am	(P-21333/88; A-4684)	300.3040	am	(P-21333/88; A-4684)	330.310	am	(P-21893/88; A-6562)
300.165	am	(P-21333/88; A-4684)	300.1240	am	(P-21333/88; A-4684)	300.3050	am	(P-21333/88; A-4684)	330.320	am	(P-21893/88; A-6562)
300.170	am	(P-21333/88; A-4684)	300.1410	am	(P-21333/88; A-4684)	300.3060	am	(P-21333/88; A-4684)	330.330	am	(P-21893/88; A-6562)
300.180	am	(P-21333/88; A-4684)	300.1420	am	(P-21333/88; A-4684)	300.3070	am	(P-21333/88; A-4684)	330.340	am	(P-21893/88; A-6562)
300.190	am	(P-21333/88; A-4684)	300.1430	am	(P-21333/88; A-4684)	300.3080	am	(P-21333/88; A-4684)	330.350	am	(P-21893/88; A-6562)
300.200	am	(P-21333/88; A-4684)	300.1610	am	(P-21333/88; A-4684)	300.3090	am	(P-21333/88; A-4684)	330.710	am	(P-21893/88; A-6562)
300.210	am	(P-21333/88; A-4684)	300.1620	am	(P-21333/88; A-4684)	300.3100	am	(P-21333/88; A-4684)	330.720	am	(P-21893/88; A-6562)
300.220	am	(P-21333/88; A-4684)	300.1630	am	(P-21333/88; A-4684)	300.3110	am	(P-21333/88; A-4684)	330.730	am	(P-21893/88; A-6562)
300.230	am	(P-21333/88; A-4684)	300.1640	am	(P-21333/88; A-4684)	300.3120	am	(P-21333/88; A-4684)	330.740	am	(P-21893/88; A-6562)
300.240	am	(P-21333/88; A-4684)	300.1650	am	(P-21333/88; A-4684)	300.3130	am	(P-21333/88; A-4684)	330.750	am	(P-21893/88; A-6562)
300.250	am	(P-21333/88; A-4684)	300.1810	am	(P-21333/88; A-4684)	300.3140	am	(P-21333/88; A-4684)	330.760	am	(P-21893/88; A-6562)
300.260	am	(P-21333/88; A-4684)	300.1820	am	(P-21333/88; A-4684)	300.3210	am	(P-21333/88; A-4684)	330.765	n	(P-21893/88; A-6562)
300.270	am	(P-21333/88; A-4684)	300.1830	am	(P-21333/88; A-4684)	300.3220	am	(P-21333/88; A-4684)	330.770	am	(P-21893/88; A-6562)
300.280	am	(P-21333/88; A-4684)	300.1840	am	(P-21333/88; A-4684)	300.3230	am	(P-21333/88; A-4684)	330.780	am	(P-21893/88; A-6562)
300.272	am	(P-21333/88; A-4684)	300.1850	am	(P-21333/88; A-4684)	300.3240	am	(P-21333/88; A-4684)	330.910	am	(P-21893/88; A-6562)
300.274	am	(P-21333/88; A-4684)	300.1860	am	(P-21333/88; A-4684)	300.3250	am	(P-21333/88; A-4684)	330.913	n	(P-8336)
300.276	am	(P-21333/88; A-4684)	300.1870	am	(P-21333/88; A-4684)	300.3260	am	(P-21333/88; A-4684)	330.916	n	(P-8336)
300.277	n	(P-21333/88; A-4684)	300.1880	am	(P-21333/88; A-4684)	300.3270	am	(P-21333/88; A-4684)	330.920	am	(P-21893/88; A-6562)
300.278	am	(P-21333/88; A-4684)	300.2010	am	(P-21333/88; A-4684)	300.3280	am	(P-21333/88; A-4684)	330.930	am	(P-21893/88; A-6562)
300.280	am	(P-21333/88; A-4684)	300.2020	am	(P-21333/88; A-4684)	300.3290	am	(P-21333/88; A-4684)	330.1110	am	(P-21893/88; A-6562)
300.282	am	(P-21333/88; A-4684)	300.2030	am	(P-21333/88; A-4684)	300.3300	am	(P-21333/88; A-4684)	330.1120	am	(P-21893/88; A-6562)
300.284	am	(P-21333/88; A-4684)	300.2040	am	(P-21333/88; A-4684)	300.3310	am	(P-21333/88; A-4684)	330.1130	am	(P-21893/88; A-6562)
300.286	am	(P-21333/88; A-4684)	300.2050	am	(P-21333/88; A-4684)	300.3320	am	(P-21333/88; A-4684)	330.1135	n	(P-21893/88; A-6562)
300.288	am	(P-21333/88; A-4684)	300.2060	am	(P-21333/88; A-4684)	300.3330	am	(P-21333/88; A-4684)	330.1140	am	(P-21893/88; A-6562)
300.290	am	(P-21333/88; A-4684)	300.2070	am	(P-21333/88; A-4684)	300.3710	am	(P-21333/88; A-4684)	330.1140	am	(P-21893/88; A-6562)
300.300	am	(P-21333/88; A-4684)	300.2080	am	(P-21333/88; A-4684)	300.3710	am	(P-21333/88; A-4684)	330.1310	am	(P-21893/88; A-6562)
300.310	am	(P-21333/88; A-4684)	300.2090	am	(P-21333/88; A-4684)	330.1110	am	(P-21893/88; A-6562)	330.1320	am	(P-21893/88; A-6562)
300.320	am	(P-21333/88; A-4684)	300.2100	am	(P-21333/88; A-4684)	330.120	am	(P-21893/88; A-6562)	330.1330	am	(P-21893/88; A-6562)
300.330	am	(P-21333/88; A-4684)	300.2110	am	(P-21333/88; A-4684)	330.130	am	(P-21893/88; A-6562)	330.1510	am	(P-21893/88; A-6562)
300.340	am	(P-21333/88; A-4684)	300.2210	am	(P-21333/88; A-4684)	330.140	am	(P-21893/88; A-6562)	330.1520	am	(P-21893/88; A-6562)
300.350	am	(P-21333/88; A-4684)	300.2220	am	(P-21333/88; A-4684)	330.150	am	(P-21893/88; A-6562)	330.1530	am	(P-21893/88; A-6562)
300.610	am	(P-21333/88; A-4684)	300.2230	am	(P-21333/88; A-4684)	330.165	am	(P-21893/88; A-6562)	330.1710	am	(P-21893/88; A-6562)
300.620	am	(P-21333/88; A-4684)	300.2410	am	(P-21333/88; A-4684)	330.170	am	(P-21893/88; A-6562)	330.1720	am	(P-21893/88; A-6562)
300.630	am	(P-13581/88; A-5134)	300.2420	am	(P-21333/88; A-4684)	330.175	am	(P-21893/88; A-6562)	330.1730	am	(P-21893/88; A-6562)
300.640	am	(P-21333/88; A-4684)	300.2430	am	(P-21333/88; A-4684)	330.180	am	(P-21893/88; A-6562)	330.1740	am	(P-21893/88; A-6562)
300.650	am	(P-21333/88; A-4684)	300.2610	am	(P-21333/88; A-4684)	330.180	am	(P-21893/88; A-6562)	330.1750	am	(P-21893/88; A-6562)
300.655	n	(P-21333/88; A-4684)	300.2620	am	(P-21333/88; A-4684)	330.190	am	(P-21893/88; A-6562)	330.1760	am	(P-21893/88; A-6562)
300.660	r	(P-8347)	300.2630	am	(P-21333/88; A-4684)	330.200	am	(P-21893/88; A-6562)	330.1770	am	(P-21893/88; A-6562)
300.665	n	(P-8347)	300.2650	am	(P-21333/88; A-4684)	330.210	am	(P-21893/88; A-6562)	330.1910	am	(P-21893/88; A-6562)
300.670	am	(P-21333/88; A-4684)	300.2640	am	(P-21333/88; A-4684)	330.220	am	(P-21893/88; A-6562)	330.1920	am	(P-21893/88; A-6562)
300.680	am	(P-21333/88; A-4684)	300.2810	am	(P-21333/88; A-4684)	330.230	am	(P-21893/88; A-6562)	330.1930	am	(P-21893/88; A-6562)
300.690	am	(P-21333/88; A-4684)	300.2820	am	(P-21333/88; A-4684)	330.240	am	(P-21893/88; A-6562)	330.1940	am	(P-21893/88; A-6562)
300.800	am	(P-21333/88; A-4684)	300.2830	am	(P-21333/88; A-4684)	330.250	am	(P-21893/88; A-6562)	330.1950	am	(P-21893/88; A-6562)
300.810	am	(P-21333/88; A-4684)	300.2840	am	(P-21333/88; A-4684)	330.260	am	(P-21893/88; A-6562)	330.1960	am	(P-21893/88; A-6562)
300.820	am	(P-21333/88; A-4684)	300.2850	am	(P-21333/88; A-4684)	330.270	am	(P-21893/88; A-6562)	330.1970	am	(P-21893/88; A-6562)
300.830	am	(P-21333/88; A-4684)	300.2860	am	(P-21333/88; A-4684)	330.272	am	(P-21893/88; A-6562)	330.1980	am	(P-21893/88; A-6562)
300.840	am	(P-21333/88; A-4684)	300.2870	am	(P-21333/88; A-4684)	330.274	am	(P-21893/88; A-6562)	330.1990	am	(P-21893/88; A-6562)
			300.2880	am	(P-21333/88; A-4684)	330.276	am	(P-21893/88; A-6562)	330.2000	am	(P-21893/88; A-6562)

TITLE 77 (CONTD)

TITLE 77 (CONTD)

TITLE 77 (CONTD)

TITLE 77 (CONT'D)

694.110	n	(P-5491)	750.140	am	(P-14113/88; A-1819)
694.120	n	(P-5491)	750.540	am	(P-6888)
694.200	n	(P-5491)	750.550	r	(P-6888)
694.210	n	(P-5491)	750.560	am	(P-6888)
694.220	n	(P-5491)	750.1800	n	(P-6888)
694.400	A	(P-5491)	750.1810	n	(P-6888)
694.400	B	(P-5491)	750.1815	n	(P-6888)
694.400	C	(P-5491)	750.1820	n	(P-6888)
698.10	n	(P-7194)	750.1830	n	(P-6888)
698.20	n	(P-7194)	750.1835	n	(P-6888)
698.30	n	(P-7194)	750.1836	n	(P-6888)
698.40	n	(P-7194)	750.1837	n	(P-6888)
698.50	n	(P-7194)	750.1838	n	(P-6888)
698.60	n	(P-7194)	750.1840	n	(P-6888)
698.70	n	(P-7194)	750.1850	n	(P-6888)
698.80	A	(P-7194)	750.1860	n	(P-6888)
710.20	am	(P-6913)	750.1861	n	(P-6888)
710.30	am	(P-6913)	750.1862	n	(P-6888)
710.40	am	(P-6913)	750.1865	n	(P-6888)
710.50	am	(P-6913)	750.1868	n	(P-6888)
710.100	am	(P-6913)	750.1870	n	(P-6888)
710.110	am	(P-6913)	750.1876	n	(P-6888)
710.120	am	(P-6913)	750.1880	n	(P-6888)
710.130	am	(P-6913)	750.1890	n	(P-6888)
710.140	am	(P-6913)	750.1895	n	(P-6888)
710.210	am	(P-6913)	750.1896	n	(P-6888)
710.220	am	(P-6913)	750.1897	n	(P-6888)
710.230	am	(P-6913)	750.1898	n	(P-6888)
725.5	r	(P-7265/88; A-2517)	750.1899	n	(P-6888)
725.10	r	(P-7272/88; A-2502)	750.1900	n	(P-6888)
725.15	n	(P-7272/88; A-2502)	750.1901	n	(P-6888)
725.20	n	(P-7272/88; A-2502)	750.1902	n	(P-6888)
725.30	r	(P-7265/88; A-2517)	750.1903	am	(P-6888)
725.40	r	(P-7265/88; A-2517)	750.1904	am	(P-6888)
725.41	n	(P-7272/88; A-2502)	750.1905	am	(P-6888)
725.42	n	(P-7272/88; A-2502)	750.1906	am	(P-6888)
725.43	n	(P-7272/88; A-2502)	750.1907	am	(P-6888)
725.44	n	(P-7265/88; A-2517)	750.1908	am	(P-6888)
725.45	r	(P-7265/88; A-2517)	750.1909	am	(P-6888)
725.50	r	(P-7272/88; A-2502)	750.1910	am	(P-6888)
725.51	n	(P-7272/88; A-2502)	750.1911	am	(P-6888)
725.60	r	(P-7265/88; A-2517)	750.1912	am	(P-6888)
725.65	r	(P-7265/88; A-2517)	750.1913	am	(P-6888)
725.70	r	(P-7265/88; A-2517)	750.1914	am	(P-6888)
725.71	n	(P-7272/88; A-2502)	750.1915	am	(P-6888)
725.80	r	(P-7265/88; A-2517)	750.1916	am	(P-6888)
725.85	n	(P-7272/88; A-2502)	750.1917	am	(P-6888)
750.10	am	(P-14113/88; A-1819)	750.1918	am	(P-6888)
750.10	am	(P-6888)	750.1919	am	(P-6888)
750.10	am	(P-6888)	750.1920	am	(P-6888)

TITLE 77 (CONT'D)

790.974	am	(P-16425/88; A-856)	790.1345	am	(P-16425/88; A-856)
790.980	am	(P-3015) (E-3108)	790.1440	n	(P-16425/88; A-856)
790.1060	am	(P-12991/88; A-856)	790.1460	am	(P-16425/88; A-856)
790.1100	r	(P-16425/88; A-856)	790.1560	am	(P-12991/88; P-16425/88; A-856)
790.1125	n	(P-16425/88; A-856)	790.1570	n	(P-16425/88; A-856)
790.1125	am	(P-3015) (E-3108)	790.1570	am	(P-3015) (E-3108)
790.1127	am	(P-3015) (E-3108)	790.1577	am	(P-16425/88; A-856) (P-3015)
790.1127	am	(P-16425/88; A-856)	790.1620	am	(P-12991/88; A-856)
790.1129	n	(P-16425/88; A-856)	790.1650	am	(P-16425/88; A-856)
790.1129	am	(P-3015) (E-3108)	790.1685	am	(P-12991/88; A-856) (P-3015)
790.1131	n	(P-16425/88; A-856)	790.1697	am	(P-3015) (E-3108)
790.1131	am	(P-3015) (E-3108)	790.1700	am	(P-3015) (E-3108)
790.1200	am	(P-3015) (E-3108)	790.1706	am	(P-3015) (E-3108)
790.1300	am	(P-16425/88; A-856) (P-3015)	790.1708	am	(P-3015) (E-3108)
790.1345	am	(P-16425/88; A-856)	790.1710	am	(P-3015) (E-3108)
790.1440	n	(P-16425/88; A-856)	790.1721	am	(P-16425/88; A-856)
790.1460	am	(P-16425/88; A-856)	790.1740	am	(P-16425/88; A-856) (P-3015)
790.1560	am	(P-12991/88; P-16425/88; A-856)	790.1930	am	(P-16425/88; A-856)
790.1570	n	(P-16425/88; A-856)	790.1980	am	(P-3015) (E-3108)
790.1570	am	(P-3015) (E-3108)	790.2060	am	(P-16425/88; A-856)
790.1577	am	(P-16425/88; A-856) (P-3015)	790.2097	am	(P-12991/88; A-856) (P-3015)
790.1620	am	(P-12991/88; A-856)	790.2140	am	(P-12991/88; P-16425/88; A-856)
790.1650	am	(P-16425/88; A-856)	790.2180	am	(P-16425/88; A-856)
790.1685	am	(P-12991/88; A-856) (P-3015)	790.2260	am	(P-16425/88; A-856)
790.1697	am	(P-3015) (E-3108)	790.2340	am	(P-16425/88; A-856)
790.1700	am	(P-3015) (E-3108)	790.2380	am	(P-12991/88; P-16425/88; A-856)
790.1706	am	(P-3015) (E-3108)	790.2500	am	(P-3015) (E-3108)
790.1710	am	(P-3015) (E-3108)	790.2540	am	(P-16425/88; A-856)
790.1721	am	(P-16425/88; A-856)	790.2580	am	(P-16425/88; A-856)
790.1740	am	(P-16425/88; A-856) (P-3015)	790.2603	n	(P-3015) (E-3108)
790.1930	am	(P-16425/88; A-856)	790.2605	am	(P-12991/88; P-16425/88; A-856)
790.1980	am	(P-3015) (E-3108)	790.2613	am	(P-16425/88; A-856)
790.2060	am	(P-16425/88; A-856)	790.2617	am	(P-12991/88; A-856)
790.2097	am	(P-12991/88; A-856) (P-3015)	790.2618	am	(P-12991/88; P-16425/88; A-856)
790.2140	am	(P-12991/88; P-16425/88; A-856)			
790.2180	am	(P-16425/88; A-856)			
790.2260	am	(P-16425/88; A-856)			
790.2340	am	(P-16425/88; A-856)			
790.2380	am	(P-12991/88; P-16425/88; A-856)			
790.2500	am	(P-3015) (E-3108)			
790.2540	am	(P-16425/88; A-856)			
790.2580	am	(P-16425/88; A-856)			
790.2603	n	(P-3015) (E-3108)			
790.2605	am	(P-12991/88; P-16425/88; A-856)			
790.2613	am	(P-16425/88; A-856)			
790.2617	am	(P-12991/88; A-856)			
790.2618	am	(P-12991/88; P-16425/88; A-856)			

TITLE 77 (CONT'D)		TITLE 77 (CONT'D)		TITLE 77 (CONT'D)		TITLE 77 (CONT'D)	
790.4220	am (P-16425/88; A-856)	790.5924	am (E-3108)	790.7700	am (E-3108)	830.250	am (P-3325/88; A-2090)
790.4300	am (P-3015) (E-3108)	790.5940	am (P-12991/88; P-16425/88; A-856)	790.7820	am (P-3015) (E-3108)	830.260	am (P-3325/88; A-2090)
790.4396	am (P-12991/88; P-16425/88; A-856)	790.5980	am (P-3015) (E-3108)	790.7828	am (P-12991/88; P-16425/88; A-856)	830.270	am (P-3325/88; A-2090)
790.4398	am (P-3015) (E-3108)	790.5992	am (P-16425/88; A-856)	790.8020	am (P-3015) (E-3108)	830.280	r (P-3325/88; A-2090)
790.4430	am (P-16425/88; A-856)	790.6140	am (P-3015) (E-3108)	790.8248	am (P-3015) (E-3108)	830.290	n (P-3325/88; A-2090)
790.4460	am (P-16425/88; A-856)	790.6180	am (P-16425/88; A-856)	790.8260	am (P-3015) (E-3108)	830.300	n (P-3325/88; A-2090)
790.4540	am (P-3015) (E-3108)	790.6260	am (P-16425/88; A-856)	790.8378	am (P-16425/88; A-856)	830.310	n (P-3325/88; A-2090)
790.4580	am (P-16425/88; A-856)	790.6275	am (P-12991/88; P-16425/88; A-856)	790.8420	am (P-3015) (E-3108)	830.315	r (P-3325/88; A-2090)
790.4620	am (P-16425/88; A-856)	790.6280	am (P-16425/88; A-856)	790.8580	am (P-16425/88; A-856)	830.400	am (P-3325/88; A-2090)
790.4660	am (P-16425/88; A-856)	790.6284	am (P-16425/88; A-856)	790.8700	am (E-3108)	830.410	am (P-3325/88; A-2090)
790.4670	am (P-12991/88; A-856)	790.6370	am (P-12991/88; A-856)	790.8724	am (P-3015) (E-3108)	830.420	r (P-3325/88; A-2090)
790.4680	am (P-12991/88; A-856)	790.6375	n (P-16425/88; A-856)	790.8740	am (P-3015) (E-3108)	830.430	am (P-3325/88; A-2090)
790.4720	am (P-12991/88; P-16425/88; A-856)	790.6445	am (P-16425/88; A-856)	790.8770	am (P-3015) (E-3108)	830.440	am (P-3325/88; A-2090)
790.4740	am (P-12991/88; P-16425/88; A-856)	790.6450	am (E-3108)	790.8820	am (P-16425/88; A-856)	830.450	am (P-3325/88; A-2090)
790.4820	am (P-3015) (E-3108)	790.6452	am (P-16425/88; A-856)	790.8870	am (P-3015) (E-3108)	830.460	am (P-3325/88; A-2090)
790.4960	n (P-16425/88; A-856)	790.6456	n (P-12991/88; P-16425/88; A-856)	790.8900	am (P-16425/88; A-856)	830.500	am (P-3325/88; A-2090)
790.5060	am (P-16425/88; A-856)	790.6540	am (P-16425/88; A-856)	790.8940	am (P-16425/88; A-856)	830.510	r (P-3325/88; A-2090)
790.5140	am (P-3015) (E-3108)	790.6580	am (P-16425/88; A-856)	790.9020	am (E-3108)	830.520	am (P-3325/88; A-2090)
790.5180	am (P-12991/88; P-16425/88; A-856)	790.6621	n (P-16425/88; A-856)	790.9084	am (P-3015) (E-3108)	830.530	am (P-3325/88; A-2090)
790.5220	am (P-12991/88; A-856)	790.6670	am (P-16425/88; A-856)	790.9100	am (P-3015) (E-3108)	830.540	am (P-3325/88; A-2090)
790.5300	am (P-16425/88; A-856)	790.6740	am (P-16425/88; A-856)	790.9140	am (P-12991/88; A-856)	830.560	r (P-3325/88; A-2090)
790.5312	am (E-3108)	790.6780	am (P-3015) (E-3108)	790.9220	am (P-3015) (E-3108)	830.570	r (P-3325/88; A-2090)
790.5420	am (P-16425/88; A-856)	790.6860	am (P-12991/88; A-856)	790.9320	am (P-3015) (E-3108)	830.610	r (P-3325/88; A-2090)
790.5483	am (P-3015) (E-3108)	790.6875	am (E-3108)	790.9380	am (P-3015) (E-3108)	830.620	am (P-3325/88; A-2090)
790.5520	n (P-16425/88; A-856)	790.6885	am (P-3015) (E-3108)	790.9475	am (P-3015) (E-3108)	830.630	am (P-3325/88; A-2090)
790.5530	am (P-16425/88; A-856)	790.6895	n (P-3015) (E-3108)	790.9486	am (P-12991/88; P-16425/88; A-856)	830.640	am (P-3325/88; A-2090)
790.5540	am (E-3108)	790.6946	am (P-16425/88; A-856)	790.9500	am (P-3015) (E-3108)	830.650	am (P-3325/88; A-2090)
790.5544	am (P-12991/88; P-16425/88; A-856)	790.6960	am (P-12991/88; P-16425/88; A-856)	790.9530	am (P-12991/88; P-16425/88; A-856)	830.660	r (P-3325/88; A-2090)
790.5560	n (P-16425/88; A-856)	790.6980	am (E-3108)	830.10	am (P-3325/88; A-2090)	830.670	r (P-3325/88; A-2090)
790.5620	am (P-3015) (E-3108)	790.7020	am (P-16425/88; A-856)	830.20	n (P-3325/88; A-2090)	830.700	am (P-3325/88; A-2090)
790.5640	n (P-12991/88; A-856)	790.7140	am (P-16425/88; A-856)	830.100	am (P-16425/88; A-2090)	830.800	n (P-3325/88; A-2090)
790.5660	am (P-3015) (E-3108)	790.7180	am (P-16425/88; A-856)	830.110	am (P-3325/88; A-2090)	830.820	am (P-3325/88; A-2090)
790.5780	am (P-3015) (E-3108)	790.7181	am (P-16425/88; A-856)	830.120	am (P-3325/88; A-2090)	830.830	n (P-3325/88; A-2090)
790.5792	am (P-12991/88; P-16425/88; A-856)	790.7223	am (P-3015) (E-3108)	830.130	am (P-3325/88; A-2090)	830.840	n (P-3325/88; A-2090)
790.5795	n (P-16425/88; A-856)	790.7260	am (P-16425/88; A-856)	830.140	am (P-3325/88; A-2090)	830.850	n (P-3325/88; A-2090)
790.5807	am (P-16425/88; A-856)	790.7280	am (E-3108)	830.150	r (P-3325/88; A-2090)	830.860	n (P-3325/88; A-2090)
790.5820	am (P-12991/88; P-16425/88; A-856)	790.7288	n (P-16425/88; A-856)	830.160	r (P-3325/88; A-2090)	830.870	n (P-3325/88; A-2090)
790.5830	am (P-12991/88; P-16425/88; A-856)	790.7288	am (P-3015) (E-3108)	830.170	am (P-3325/88; A-2090)	830.870	n (P-3325/88; A-2090)
790.5837	am (P-12991/88; A-856)	790.7400	am (P-12991/88; A-856)	830.180	am (P-3325/88; A-2090)	830.880	n (P-3325/88; A-2090)
790.5840	am (P-16425/88; A-856)	790.7500	am (E-3108)	830.190	am (P-3325/88; A-2090)	830.890	n (P-3325/88; A-2090)
790.5872	am (P-16425/88; A-856)	790.7540	am (P-12991/88; P-16425/88; A-856)	830.200	am (P-3325/88; A-2090)	830.900	n (P-3325/88; A-2090)
790.5893	am (P-16425/88; A-856)			830.220	n (P-3325/88; A-2090)	830.910	n (P-3325/88; A-2090)
790.5900	am (P-16425/88; A-856)			830.230	n (P-3325/88; A-2090)	830.920	n (P-3325/88; A-2090)

TITLE #80 (CONT'D)		TITLE #81 (CONT'D)	
1110.160 am (P-1355)	n	2650.30 n (P-6871/88; O-1256; R-3411; A-3330)	n (P-5229)
1110.170 am (P-1355)		2700.200 am (P-253) (E-629)	285.2070 n (P-5229)
1110.180 am (P-1355)	am	2700.440 am (P-253) (E-629)	285.2075 n (P-5229)
1120.20 am (P-1379)	am	2700.620 am (P-253) (E-629)	285.2080 n (P-5229)
1120.30 am (P-1379)	am	2700.630 am (P-253) (E-629)	285.2085 n (P-5229)
1120.40 am (P-1379)	am	2700.650 am (P-253) (E-629)	285.2090 n (P-5229)
1120.50 am (P-1379)	am	2700.700 am (P-253) (E-629)	285.2095 n (P-5229)
1125.10 am (P-16375/88; A-1784)	n	2700.710 am (P-253) (E-629)	285.2100 n (P-5229)
1125.20 am (P-16375/88; A-1784)	am	2700.720 am (P-253) (E-629)	285.2105 n (P-5229)
1125.30 am (P-16375/88; A-1784)	am	2700.730 am (P-253) (E-629)	285.2110 n (P-5229)
1125.50 am (P-16375/88; A-1784)	r	2700.735 am (P-253) (E-629)	285.2115 n (P-5229)
1125.70 am (P-16375/88; A-1784)	am	2700.740 am (P-253) (E-629)	285.2120 n (P-5229)
1125.80 am (P-16375/88; O-22478/88; R-1905; A-1784)	am	2700.750 am (P-253) (E-629)	285.2125 n (P-5229)
1125.90 r (P-16375/88; A-1784)	r	2700.820 am (P-253) (E-629)	285.3000 n (P-5229)
1125.100 n (P-16375/88; A-1784)	n	2700.920 am (P-253) (E-629)	285.3005 n (P-5229)
1570.40 am (P-14122/88; O-22492/88; R-1626; A-1577)	am	2700.920 am (P-253) (E-629)	285.3010 n (P-5229)
1570.60 r (P-14122/88; O-22492/88; R-1626; A-1577)	r	2700.920 am (P-253) (E-629)	285.3015 n (P-5229)
1570.70 am (P-14122/88; O-22492/88; R-1626; A-1577)	am	2700.920 am (P-253) (E-629)	285.3020 n (P-5229)
1570.80 am (P-14122/88; O-22492/88; R-1626; A-1577)	am	2700.920 am (P-253) (E-629)	285.3025 n (P-5229)
1570.90 am (P-14122/88; O-22492/88; R-1626; A-1577)	am	2700.920 am (P-253) (E-629)	285.3030 n (P-5229)
1570.100 am (P-14122/88; O-22492/88; R-1626; A-1577)	am	2700.920 am (P-253) (E-629)	285.3035 n (P-5229)
1570.110 r (P-14122/88; O-22492/88; R-1626; A-1577)	r	2700.920 am (P-253) (E-629)	285.3040 n (P-5229)
1570.150 r (P-14122/88; O-22492/88; R-1626; A-1577)	r	2700.920 am (P-253) (E-629)	285.3045 n (P-5229)
1570.160 am (P-14122/88; O-22492/88; R-1626; A-1577)	am	2700.920 am (P-253) (E-629)	285.3050 n (P-5229)
2110.30 am (P-1) (E-214)	am	2700.920 am (P-253) (E-629)	285.3055 n (P-5229)
2110.320 am (P-1) (E-214)	am	2700.920 am (P-253) (E-629)	285.3060 n (P-5229)
2110.330 am (P-1) (E-214)	am	2700.920 am (P-253) (E-629)	285.3065 n (P-5229)
2110.510 am (P-1) (E-214)	am	2700.920 am (P-253) (E-629)	285.3070 n (P-5229)
2110.530 am (P-1) (E-214)	am	2700.920 am (P-253) (E-629)	285.3075 n (P-5229)
2150.1 n (P-10285/88; A-2402)	n	2700.920 am (P-253) (E-629)	285.3080 n (P-5229)
2150.1 am (P-6853)	am	2700.920 am (P-253) (E-629)	285.3081 n (P-5229)
2150.2 n (P-10285/88; A-2402)	n	2700.920 am (P-253) (E-629)	285.3090 n (P-5229)
2150.5 n (P-10285/88; A-2402)	n	2700.920 am (P-253) (E-629)	285.3095 n (P-5229)
2650.1 n (P-6871/88; O-1256; R-3411; A-3330)	n	2700.920 am (P-253) (E-629)	285.3100 n (P-5229)
2650.5 n (P-6871/88; O-1256; R-3411; A-3330)	n	2700.920 am (P-253) (E-629)	285.3110 n (P-5229)
2650.10 n (P-6871/88; O-1256; R-3411; A-3330)	n	2700.920 am (P-253) (E-629)	285.3115 n (P-5229)
2650.15 n (P-6871/88; O-1256; R-3411; A-3330)	n	2700.920 am (P-253) (E-629)	285.3120 n (P-5229)
2650.20 n (P-6871/88; O-1256; R-3411; A-3330)	n	2700.920 am (P-253) (E-629)	285.3125 n (P-5229)
2650.25 n (P-6871/88; O-1256; R-3411; A-3330)	n	2700.920 am (P-253) (E-629)	285.3130 n (P-5229)

TITLE 81 (CONT'D)

535.410	n	(P-9314/88; A-7331)
535.500	n	(P-9314/88; A-7331)
535.510	n	(P-9314/88; A-7331)
595.120	am	(P-16309/88; A-2036)
710.100	n	(P-19563/88; A-7570)
710.105	n	(P-19563/88; A-7570)
710.110	n	(P-19563/88; A-7570)
710.115	n	(P-19563/88; A-7570)
710.120	n	(P-19563/88; A-7570)
710.125	n	(P-19563/88; A-7570)
710.130	n	(P-19563/88; A-7570)
710.135	n	(P-19563/88; A-7570)
710.140	n	(P-19563/88; A-7570)
710.145	n	(P-19563/88; A-7570)
710.150	n	(P-19563/88; A-7570)
710.155	n	(P-19563/88; A-7570)
710.160	n	(P-19563/88; A-7570)
710.165	n	(P-19563/88; A-7570)
710.170	n	(P-19563/88; A-7570)
710.175	n	(P-19563/88; A-7570)
710.180	n	(P-19563/88; A-7570)
710.185	n	(P-19563/88; A-7570)
710.190	n	(P-19563/88; A-7570)
710.200	n	(P-19563/88; A-7570)
710.205	n	(P-19563/88; A-7570)
710.210	n	(P-19563/88; A-7570)
710.215	n	(P-19563/88; A-7570)
710.220	n	(P-19563/88; A-7570)
710.225	n	(P-19563/88; A-7570)
710.230	n	(P-19563/88; A-7570)
710.235	n	(P-19563/88; A-7570)
710.240	n	(P-19563/88; A-7570)
710.2000	n	(P-19563/88; A-7570)

TITLE 86

100.3700	am	(P-2383)
100.5706	am	(P-768; A-8917)
110.105	am	(P-22373/88; A-7469)
110.145	am	(P-20007/88; A-6803)
110.160	am	(P-22373/88; A-7469)
130.310	am	(P-8391)
150.325	am	(P-7215)
150.330	am	(P-7215)
150.1401	am	(P-7215)
150.1405	am	(P-7215)
150.1415	am	(P-7215)
151.101	n	(P-1498)
151.105	n	(P-1498)
151.110	n	(P-1498)
151.115	n	(P-1498)
200.101	r	(P-20012/88; A-6808)
200.101	n	(P-19993/88; A-6789)
200.105	r	(P-20012/88; A-6808)
200.105	n	(P-19993/88; A-6789)
200.110	r	(P-20012/88; A-6808)
200.110	n	(P-19993/88; A-6789)

TITLE 86 (CONT'D)

610.135	n	(P-1460)
620.101	n	(P-1468)
620.105	n	(P-1468)
620.110	n	(P-1468)
620.115	n	(P-1468)
620.120	n	(P-1468)
630.101	n	(P-1473)
630.105	n	(P-1473)
630.110	n	(P-1473)
630.115	n	(P-1473)
630.120	n	(P-1473)
630.125	n	(P-1473)
630.130	n	(P-1473)
630.135	n	(P-1473)
640.101	n	(P-1485)
640.105	n	(P-1485)
640.110	n	(P-1485)
640.115	n	(P-1485)
640.120	n	(P-1485)
640.125	n	(P-1485)
640.130	n	(P-1485)
640.135	n	(P-1485)
650.101	n	(P-1493)
650.105	n	(P-1493)
650.110	n	(P-1493)
650.115	n	(P-1493)
650.120	n	(P-1493)
1910.5	n	(P-8790)
1910.10	am	(P-8790)
1910.20	am	(P-8790)
1910.25	n	(P-8790)
1910.30	am	(P-8790)
1910.40	am	(P-8790)
1910.50	#	(P-8790)
1910.60	am	(P-8790)
1910.63	n	(P-8790)
1910.65	n	(P-8790)
1910.67	#	(P-8790)
1910.67	am	(P-8790)
1910.68	n	(P-8790)
1910.69	n	(P-8790)
1910.70	am	(P-8790)
1910.75	n	(P-8790)
1910.90	n	(P-8790)
1910.95	n	(P-8790)

TITLE 89

101.1	n	(P-20694/88; A-3897)
102.1	n	(P-20743/88; A-3940)
103.1	n	(P-20757/88; A-3954)
103.20	am	(P-2958)
104.202	am	(P-17667/88; A-2496)
104.208	am	(P-2958)
104.210	am	(P-2958)
104.212	am	(P-2958)
104.221	am	(P-2958)

TITLE 89 (CONT'D)

104.230	am	(P-2958)
104.231	am	(P-2958)
104.235	am	(P-2958)
104.243	am	(P-2958)
104.244	am	(P-2958)
104.247	am	(P-2958)
104.257	n	(P-2958)
104.260	am	(P-2958)
104.270	am	(P-2958)
104.274	am	(P-2958)
104.280	am	(P-2958)
104.285	am	(P-2958)
104.290	am	(P-2958)
104.800	am	(P-20747/88; A-3944)
110.1	am	(P-20670/88; A-3836)
110.10	am	(P-2931)
111.1	am	(P-20674/88; A-3840)
111.101	am	(P-15920/88; A-85)
112.5	am	(P-20661/88; A-6017)
112.40	am	(P-1948)
112.78	am	(P-22308/88; A-6017)
112.81	am	(P-8246)
112.98	am	(P-2236; A-8567)
112.252	am	(P-15905/88; A-70)
112.253	am	(P-15905/88; A-70)
112.254	am	(P-15905/88; A-70)
112.318	n	(P-4116)
113.5	n	(P-20654/88; A-6007)
113.142	n	(P-15898/88; A-63)
113.157	n	(P-5440)
113.253	am	(E-3402) (P-15898/88; A-63)
113.260	am	(E-3402) (P-15898/88; A-63)
113.302	am	(P-4481)
114.5	n	(P-20967/88; A-3900)
114.127	am	(P-14966/88; A-89) (P-1959;
114.128	am	(P-17621/88; A-1546)
114.220	am	(P-5456)
114.240	r	(P-5456)
114.351	am	(P-15924/88; A-89)
114.352	am	(P-15924/88; A-89)
114.353	am	(P-15924/88; A-89)
115.1	n	(P-20735/88; A-3932)
115.10	am	(P-2702)
115.30	am	(P-2702)
116.10	n	(P-20683/88; A-3847)
117.1	n	(P-20739/88; A-3936)
117.20	am	(P-5487)
118.300	n	(P-20753/88; A-3950)
120.1	n	(P-20705/88; A-3908)
120.40	am	(P-17633/88; A-2081)
120.70	am	(P-3281)
120.72	n	(P-3281)
120.74	n	(P-3281)

TITLE #9 (CONT'D)		TITLE #9 (CONT'D)		TITLE #9 (CONT'D)		TITLE #9 (CONT'D)	
120.76	n	(P-3281)	re	(A-7040)	140.896	am	(P-15483/88; A-516) (P-7873)
120.382	am	(P-15938/88; A-116) (P-3281)	n	(P-11701/88; A-5718)	140.896	am	(E-8036)
121.58	am	(P-3541)	am	(P-7873) (E-8036)	141.100	am	(P-15483/88; A-516)
121.62	am	(P-3541)	am	(P-20370/88; A-3850) (P-7873)	141.200	am	(E-8036)
121.135	n	(P-20636/88; A-3890)	am	(P-7873) (E-8036)	141.420	am	(P-14777/88; A-2015)
130.301	am	(P-4469)	am	(P-7873) (E-8036)	141.420	am	(P-14777/88; A-2015)
130.302	am	(P-4469)	am	(P-15483/88; A-516) (P-7873)	141.440	am	(P-14777/88; A-2015)
130.310	am	(P-4469)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
130.312	am	(P-4469)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
130.313	am	(P-4469)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
130.314	am	(P-4469)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
130.321	am	(P-4469)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
130.500	n	(P-20649/88; A-3831)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.16	am	(P-2937)	am	(P-20370/88; A-3850)	141.450	am	(P-14777/88; A-2015)
140.17	am	(P-2937)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.19	am	(P-12976/88; A-3917)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.20	am	(P-20714/88; A-7786)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.21	n	(P-3295)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.43	n	(P-19868/88; A-7025)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.100	am	(P-16421/88; O-1259; M-3195; A-3069)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.350	am	(P-5958/88; A-3351)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.362	am	(P-5958/88; A-3351)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.363	am	(P-5958/88; A-3351)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.364	r	(P-5958/88; A-3351)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.364	r	(P-5958/88; A-3351)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.367	am	(P-5958/88; A-3351)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.369	am	(P-5958/88; A-3351)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.370	am	(P-5958/88; A-3351)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.372	am	(P-5958/88; A-3351)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.373	r	(P-5958/88; A-3351)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.376	r	(P-5958/88; A-3351)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.390	am	(P-17643/88; A-5115)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.392	am	(P-17643/88; A-5115)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.394	am	(P-17643/88; A-5115)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.400	am	(P-17172/88; A-2475)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.441	am	(P-17172/88; A-2475)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.443	am	(P-17172/88; A-2475)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.445	am	(P-17172/88; O-1263; R-2538; A-2475)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.447	am	(P-17172/88; A-2475)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.497	n	(P-7546)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.512	am	(P-11995/88; A-125)	am	(P-20370/88; A-3850)	141.450	am	(P-14777/88; A-2015)
140.525	am	(P-17172/88; A-5718)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.526	am	(P-1420)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.569	am	(P-5465)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.850	re	(A-7040)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.855	re	(A-7040)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.860	re	(A-7040)	am	(P-20370/88; A-3850)	141.450	am	(P-14777/88; A-2015)
140.865	re	(A-7040)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.870	re	(A-7040)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.875	re	(A-7040)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)
140.880	re	(A-7040)	am	(P-20370/88; A-3850)	141.450	am	(P-14777/88; A-2015)
140.885	re	(A-7040)	am	(P-15483/88; A-516) (P-7873)	141.450	am	(P-14777/88; A-2015)
140.890	re	(A-7040)	am	(E-8036)	141.450	am	(P-14777/88; A-2015)
140.895	re	(A-7040)	am	(P-7873) (E-8036)	141.450	am	(P-14777/88; A-2015)

TITLE #9 (CONT'D)		TITLE #9 (CONT'D)		TITLE #9 (CONT'D)		TITLE #9 (CONT'D)	
140.896	re	(A-7040)	141.404	am	(P-15483/88; A-516) (P-7873)	170.110	n
140.896	n	(P-11701/88; A-5718)	141.410	am	(E-8036)	170.120	n
141.100	am	(P-7873) (E-8036)	141.416	am	(P-15483/88; A-516)	170.130	n
141.200	am	(P-20370/88; A-3850) (P-7873)	141.420	am	(P-20370/88; A-3850) (P-7873)	170.200	n
141.360	am	(P-7873) (E-8036)	141.420	am	(E-8036)	230.360	am
141.400	am	(P-15483/88; A-516) (P-7873)	141.420	am	(P-14777/88; A-2015)	230.362	am
141.480	am	(E-8036)	141.440	am	(P-15483/88; A-3850)	230.365	am
141.520	am	(P-7873) (E-8036)	141.450	am	(E-8036)	230.510	n
141.560	am	(P-15483/88; A-516) (P-7873)	141.460	am	(P-7873) (E-8036)	230.520	n
141.720	am	(P-20370/88; A-3850)	141.460	am	(P-7873) (E-8036)	230.530	n
141.800	am	(E-8036)	141.470	am	(P-15483/88; A-516)	230.540	n
141.1000	am	(P-7873) (E-8036)	141.470	am	(E-8036)	230.550	n
141.1160	am	(P-15483/88; A-516)	141.470	am	(P-15483/88; A-516) (P-7873)	230.560	n
141.1200	am	(P-7873) (E-8036)	141.470	am	(E-8036)	230.570	n
141.1240	am	(P-15483/88; A-516) (P-7873)	141.480	am	(P-20370/88; A-3850)	230.580	n
141.1280	am	(E-8036)	146.5	re	(A-7040)	240.1400	n
141.1320	am	(P-7873) (E-8036)	146.25	re	(A-7040)	240.1410	am
141.1480	am	(P-15483/88; A-516) (P-7873)	146.50	re	(A-7040)	240.1420	am
141.1520	am	(E-8036)	146.75	re	(A-7040)	240.1430	am
141.1680	am	(P-15483/88; A-516) (P-7873)	146.100	re	(A-7040)	240.1440	am
141.1760	am	(P-15483/88; A-516)	146.105	re	(A-7040)	240.1450	n
141.2280	am	(P-15483/88; A-516)	146.125	re	(A-7040)	240.1700	n
141.2360	am	(P-15483/88; A-516)	146.150	re	(A-7040)	240.1705	n
141.2400	am	(P-15483/88; A-516)	146.175	re	(A-7040)	240.1710	n
141.2600	am	(P-20370/88; A-3850)	146.200	re	(A-7040)	240.1715	n
141.2760	am	(P-15483/88; A-516) (P-20370/88; A-3850)	146.225	re	(A-7040)	240.1718	n
141.2920	am	(P-20370/88; A-3850)	147.25	am	(P-3562)	240.1720	n
141.2960	am	(P-15483/88; A-516) (P-20370/88; A-3850)	147.50	am	(P-3562)	240.1722	n
141.3080	am	(P-7873) (E-8036)	147.75	am	(P-10627/88; A-559)	240.1725	n
141.3280	am	(P-20370/88; A-3850)	147.100	am	(P-10627/88; A-559)	240.1730	n
141.3320	am	(P-7873) (E-8036)	147.205	am	(P-17201/88; O-5800; R-7148; A-7043)	240.1737	n
141.3400	am	(P-7873) (E-8036)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	240.1739	n
141.3440	am	(P-15483/88; A-516)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	240.1750	n
141.3480	am	(P-15483/88; A-516)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	240.1755	n
141.3520	am	(P-7873) (E-8036)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	240.1757	n
141.3560	am	(P-7873) (E-8036)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	240.1759	n
141.3600	am	(P-20370/88; A-3850)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	240.1960	n
141.3760	am	(P-15483/88; A-516) (P-20370/88; A-3850)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	300.20	am
141.3800	am	(P-7873) (E-8036)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	300.30	am
141.3840	am	(P-15483/88; A-516)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	300.90	am
141.3920	am	(P-20370/88; A-3850) (P-7873)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	300.100	am
141.4000	am	(E-8036)	147.205	am	(P-10627/88; O-20231/88; R-667; A-559)	300.110	am

TITLE #9 (CONT'D)			
357.2	am	(P-13807/88; A-3344)	
357.3	am	(P-13807/88; A-3344)	
357.11	am	(P-13807/88; A-3344)	
385.20	am	(P-13744/88; A-5917)	
385.30	am	(P-13744/88; A-5917)	
385.40	am	(P-13744/88; A-5917)	
431.5	am	(P-11922/88; O-22457/88; R-2532; A-2407)	
431.6	am	(P-11922/88; A-2407)	
431.7	am	(P-11922/88; A-2407)	
431.11	n	(P-11922/88; O-22457/88; R-2532; A-2407)	
431.12	#	(P-11922/88; A-2407)	
432.8	#	(P-5225)	
432.9	n	(P-5225)	
437.4	am	(P-13752/88; A-3339)	
437.8	am	(P-13752/88; A-3339)	
437.8	n	(P-13752/88; A-3339)	
437.9	am	(P-13752/88; A-3339)	
437.9	am	(P-13752/88; A-3339)	
510.10	n	(P-3036)	
510.10	r	(P-3020)	
510.20	n	(P-3036)	
510.20	r	(P-3020)	
510.30	n	(P-3036)	
510.30	r	(P-3020)	
510.40	n	(P-3036)	
510.40	r	(P-3020)	
510.50	n	(P-3036)	
510.50	r	(P-3020)	
510.60	n	(P-3036)	
510.60	r	(P-3020)	
510.70	n	(P-3036)	
510.70	r	(P-3020)	
510.80	n	(P-3036)	
510.90	n	(P-3036)	
510.100	n	(P-3036)	
510.110	n	(P-3036)	
510.120	r	(P-3020)	
510.130	r	(P-3020)	
510.140	r	(P-3020)	
510.210	r	(P-3020)	
510.220	r	(P-3020)	
510.230	r	(P-3020)	
510.240	r	(P-3020)	
510.250	r	(P-3020)	
510.260	r	(P-3020)	
510.270	r	(P-3020)	
510.280	r	(P-3020)	
510.290	r	(P-3020)	
510.300	r	(P-3020)	
510.310	r	(P-3020)	
510.320	r	(P-3020)	
510.410	r	(P-3020)	
510.420	am	(P-6911/88; A-5149)	
520.20	am		

TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
520.30	am	(P-6911/88; A-5149)	
520.100	am	(P-6911/88; A-5149)	
530.5	n	(P-3565/88; A-141)	
530.10	am	(P-3565/88; A-141)	
530.20	r	(P-3565/88; A-141)	
530.100	r	(P-3565/88; A-141)	
530.105	r	(P-3565/88; A-141)	
530.110	am	(P-3565/88; A-141)	
530.120	r	(P-3565/88; A-141)	
530.130	am	(P-3565/88; A-141)	
530.140	am	(P-3565/88; A-141)	
530.150	r	(P-3565/88; A-141)	
530.200	n	(P-3565/88; A-141)	
530.230	n	(P-3565/88; A-141)	
530.260	am	(P-3565/88; A-141)	
552.40	am	(P-277)	
552.100	am	(P-57, W-4309)	
557.10	am	(P-5914)	
562.30	am	(P-4685/88; A-2866)	
567.10	am	(P-281)	
587.10	am	(P-2192/88; A-1850)	
587.50	am	(P-2192/88; A-1850)	
587.130	am	(P-2192/88; A-1850)	
587.500	am	(P-2192/88; A-1850)	
592.45	am	(P-2092/88; A-1573)	
597.20	am	(P-2197/88; A-1568)	
597.150	am	(P-2197/88; A-1568)	
597.150	am	(P-7212)	
607.60	am	(P-56) (E-225; O-3478)	
622.20	am	(P-8387)	
650.700	am	(P-15520/88; A-7465)	
675.300	am	(P-13956/88; A-6768)	
685.600	am	(P-13052/88; A-5158)	
693.200	am	(P-8384)	
700.200	am	(P-10409/88; A-3101)	
700.300	am	(P-10409/88; A-3101)	
714.10	am	(P-4152)	
714.20	am	(P-4152)	
714.30	am	(P-4152)	
714.40	am	(P-4152)	
714.310	n	(P-13952/88; A-8911)	
765.10	am	(P-13948/88; A-5154)	
825.10	am	(P-13941/88; A-7958)	
829.10	am	(P-5990/88; A-5755)	
829.20	n	(P-5990/88; A-5755)	
829.30	n	(P-5990/88; A-5755)	
829.40	n	(P-5990/88; A-5755)	
829.50	n	(P-5990/88; A-5755)	
829.60	n	(P-5990/88; A-5755)	
829.70	n	(P-5990/88; A-5755)	
829.80	n	(P-5990/88; A-5755)	
829.90	n	(P-5990/88; A-5755)	
843.10	am	(P-15015/88; A-4298)	
843.50	am	(P-15015/88; A-4298)	
843.60	am	(P-15015/88; A-4298)	

TITLE 89 (CONT'D)	
843.70	am (P-15015/88; A-4298)
843.150	am (P-15015/88; A-4298)
843.160	am (P-15015/88; A-4298)
845.40	n (P-4641)
870.10	am (P-8379)
870.11	n (P-8379)
870.20	am (P-8379)
895.10	n (P-3310)
895.20	n (P-3310)
895.30	n (P-3310)
895.40	n (P-3310)
895.50	n (P-3310)
895.60	n (P-3310)
895.70	n (P-3310)
1300.340	am (P-19223/88; A-4644)
TITLE 92	
10.30	am (P-19365/88; A-3962)
10.40	am (P-19365/88; A-3962)
10.50	am (P-19365/88; A-3962)
10.60	am (P-19365/88; A-3962)
10.70	am (P-19365/88; A-3962)
10.80	am (P-19365/88; A-3962)
96.10	n (P-15049/88; A-3384)
96.20	n (P-15049/88; A-3384)
96.30	n (P-15049/88; A-3384)
96.40	n (P-15049/88; A-3384)
96.50	n (P-15049/88; A-3384)
96.60	n (P-15049/88; A-3384)
96.70	n (P-15049/88; A-3384)
96.80	n (P-15049/88; A-3384)
96.90	n (P-15049/88; A-3384)
96.100	n (P-15049/88; A-3384)
96.110	n (P-15049/88; A-3384)
96.120	n (P-15049/88; A-3384)
96.130	n (P-15049/88; A-3384)
96.140	n (P-15049/88; A-3384)
96.Ex. A	n (P-15049/88; A-3384)
171.4	n (P-20032/88; A-3984)
171.21	n (P-20032/88; A-3984)
171.1000	am (P-20032/88; A-3984)
172.2000	am (P-20040/88; A-3993)
173.3000	am (P-20055/88; A-3998)
177.2000	am (P-20027/88; A-3957)
178.2000	am (P-20045/88; A-4004)
448.Ap. A	am (P-1127; A-7973)
Ex. A	am (P-1527; A-7973)
451.10	n (P-16536/88; W-2882)
451.20	n (P-16536/88; W-2882)
451.30	n (P-16536/88; W-2882)
451.40	n (P-16536/88; W-2882)
451.50	n (P-16536/88; W-2882)
451.60	n (P-16536/88; W-2882)
451.70	n (P-16536/88; W-2882)
451.80	n (P-16536/88; W-2882)
451.90	n (P-16536/88; W-2882)

TITLE 92 (CONT'D)		
451.100	n	(P-16536/88; W-2882)
451.110	n	(P-16536/88; W-2882)
451.120	n	(P-16536/88; W-2882)
451.130	n	(P-16536/88; W-2882)
451.13p.A	n	(P-16536/88; W-2882)
451.13p.B	n	(P-16536/88; W-2882)
451.13p.C	n	(P-16536/88; W-2882)
451.13p.D	n	(P-16536/88; W-2882)
451.13p.E	n	(P-16536/88; W-2882)
451.13p.F	n	(P-16536/88; W-2882)
451.13p.G	n	(P-16536/88; W-2882)
451.11.I.A	n	(P-16536/88; W-2882)
451.11.I.B	n	(P-16536/88; W-2882)
452.10	r	(P-16447/88; W-2881)
452.20	r	(P-16447/88; W-2881)
452.30	r	(P-16447/88; W-2881)
452.40	r	(P-16447/88; W-2881)
452.40	r	(P-16447/88; W-2881)
452.50	r	(P-16447/88; W-2881)
452.60	r	(P-16447/88; W-2881)
452.70	r	(P-16447/88; W-2881)
452.80	r	(P-16447/88; W-2881)
452.90	r	(P-16447/88; W-2881)
452.100	r	(P-16447/88; W-2881)
452.110	r	(P-16447/88; W-2881)
452.120	r	(P-16447/88; W-2881)
452.130	r	(P-16447/88; W-2881)
452.140	r	(P-16447/88; W-2881)
452.150	r	(P-16447/88; W-2881)
452.160	r	(P-16447/88; W-2881)
452.170	r	(P-16447/88; W-2881)
452.17b.A	r	(P-16447/88; W-2881)
452.17b.B	r	(P-16447/88; W-2881)
452.17b.C	r	(P-16447/88; W-2881)
452.17b.D	r	(P-16447/88; W-2881)
452.17b.E	r	(P-16447/88; W-2881)
452.Ex.A	r	(P-16447/88; W-2881)
518.10	n	(PP-7057)
518.15	n	(PP-7057)
518.20	n	(PP-7057)
518.100	n	(PP-7057)
518.105	n	(PP-7057)
518.110	n	(PP-7057)
518.115	n	(PP-7057)
518.120	n	(PP-7057)
518.125	n	(PP-7057)
518.130	n	(PP-7057)
518.135	n	(PP-7057)
518.140	n	(PP-7057)
518.145	n	(PP-7057)
518.200	n	(PP-7057)
518.300	n	(PP-7057)
518.305	n	(PP-7057)
518.310	n	(PP-7057)
518.315	n	(PP-7057)
518.320	n	(PP-7057)

TITLE 92 (CONT'D)		TITLE 92 (CONT'D)	
518.400 n	(PP-7057)	1001.460 am	(P-7229)
518.405 n	(PP-7057)	1001.470 am	(P-7229)
518.410 n	(PP-7057)	1001.480 am	(P-7229)
518.415 n	(PP-7057)	1003.20 am	(P-2001/88; A-7048)
518.420 n	(PP-7057)	1003.30 am	(P-2001/88; A-7048)
518.500 n	(PP-7057)	1003.40 am	(P-2001/88; A-7048)
518.505 n	(PP-7057)	1010.20 n	(P-1964/88; A-5173)
518.510 n	(PP-7057)	1010.240 am	(P-1103; A-7065)
518.600 n	(PP-7057)	1010.430 n	(P-5655)
518.700 n	(PP-7057)	1010.440 n	(P-1643/88; A-1598)
518.705 n	(PP-7057)	1010.452 n	(P-1964/88; A-5173)
518.710 n	(PP-7057)	1010.455 n	(P-1964/88; A-5173)
518.715 n	(PP-7057)	1010.456 n	(P-1964/88; A-5173)
518.720 n	(PP-7057)	1019.5 n	(P-1965/88; A-4944)
518.725 n	(PP-7057)	1019.10 n	(P-1965/88; A-4944)
518.735 n	(PP-7057)	1019.20 n	(P-1965/88; A-4944)
518.740 n	(PP-7057)	1019.30 n	(P-1965/88; A-4944)
518.745 n	(PP-7057)	1019.35 n	(P-1965/88; A-4944)
518.750 n	(PP-7057)	1019.40 n	(P-1965/88; A-4944)
518.800 n	(PP-7057)	1019.45 n	(P-1965/88; A-4944)
518.805 n	(PP-7057)	1020.60 n	(P-5665)
518.810 n	(PP-7057)	1030.11 n	(P-3611)
518.815 n	(PP-7057)	1030.70 am	(P-2076/88; A-7808)
518.820 n	(PP-7057)	1030.85 am	(P-2395)
518.825 n	(PP-7057)	1030.86 n	(P-1727/88; A-5192)
518.830 n	(PP-7057)	1030.88 am	(P-2753)
518.835 n	(PP-7057)	1030.89 am	(P-7892)
518.840 n	(PP-7057)	1030.94 am	(P-3324)
518.845 n	(PP-7057)	1030.99 n	(P-3324) (P-3611)
518.850 n	(PP-7057)	1040.30 am	(P-1725/88; A-5162)
518.855 n	(PP-7057)	1040.40 am	(P-1725/88; A-5162)
518.860 n	(PP-7057)	1040.41 n	(P-2076/88; A-8659)
518.865 n	(PP-7057)	1040.66 n	(P-1594/88; A-1593)
518.870 n	(PP-7057)	1040.70 am	(P-1963/88; A-7802)
518.875 n	(PP-7057)	1040.100 n	(P-2076/88; A-8659)
518.900 n	(PP-7057)	1040.101 n	(P-2076/88; A-8659)
518.905 n	(PP-7057)	1205.10 am	(P-1665)
518.910 n	(PP-7057)	1206.20 am	(P-1671)
518.915 n	(PP-7057)	1225.45 am	(P-1676)
518.920 n	(PP-7057)	1235.10 n	(P-1704/88; A-4658)
518.925 n	(PP-7057)	1235.15 n	(P-1704/88; A-4658)
518.1000 n	(PP-7057)	1235.20 n	(P-1704/88; A-4658)
518.1005 n	(PP-7057)	1235.25 n	(P-1704/88; A-4658)
518.2000 n	(PP-7057)	1235.30 n	(P-1704/88; A-4658)
518.2005 n	(PP-7057)	1235.35 n	(P-1704/88; A-4658)
518.2010 n	(PP-7057)	1235.40 n	(P-1704/88; A-4658)
518.3000 n	(PP-7057)	1235.45 n	(P-1704/88; A-4658)
518.3005 n	(PP-7057)	1235.50 n	(P-1704/88; A-4658)
518.3010 n	(PP-7057)	1235.55 n	(P-1704/88; A-4658)
518.4000 n	(PP-7057)	1304.10 n	(P-1338/88; A-4654)
518.4005 n	(PP-7057)	1595.1 n	(P-2097/88; A-7566)
518.4010 n	(PP-7057)	1595.5 n	(P-2097/88; A-7566)
518.4015 n	(PP-7057)	1595.7 n	(P-2097/88; A-7566)
518.4020 n	(PP-7057)	1595.8 n	(P-2097/88; A-7566)
518.4025 n	(PP-7057)	1595.10 n	(P-2097/88; A-7566)
518.4030 n	(PP-7057)		

TITLE 92 (CONT'D)		TITLE 92 (CONT'D)	
1595.20 r	(P-2097/88; A-7564)	1001.460 am	(P-7229)
1595.30 r	(P-2097/88; A-7564)	1001.470 am	(P-7229)
1595.40 r	(P-2097/88; A-7564)	1001.480 am	(P-7229)
1595.50 r	(P-2097/88; A-7564)	1003.20 am	(P-2001/88; A-7048)
1595.60 r	(P-2097/88; A-7564)	1003.30 am	(P-2001/88; A-7048)
1595.70 r	(P-2097/88; A-7564)	1003.40 am	(P-2001/88; A-7048)
1595.80 r	(P-2097/88; A-7564)	1010.20 n	(P-1964/88; A-5173)
1595.90 r	(P-2097/88; A-7564)	1010.240 am	(P-1103; A-7065)
1595.100 r	(P-2097/88; A-7564)	1010.430 n	(P-5655)
1595.110 r	(P-2097/88; A-7564)	1010.440 n	(P-1643/88; A-1598)
1595.120 r	(P-2097/88; A-7564)	1010.452 n	(P-1964/88; A-5173)
1595.130 r	(P-2097/88; A-7564)	1010.455 n	(P-1964/88; A-5173)
1595.140 r	(P-2097/88; A-7564)	1010.456 n	(P-1964/88; A-5173)
1595.150 r	(P-2097/88; A-7564)	1019.5 n	(P-1965/88; A-4944)
1595.160 r	(P-2097/88; A-7564)	1019.10 n	(P-1965/88; A-4944)
1595.170 r	(P-2097/88; A-7564)	1019.20 n	(P-1965/88; A-4944)
1710.160 am	(P-10)	1019.30 n	(P-1965/88; A-4944)
		1019.35 n	(P-1965/88; A-4944)
		1019.40 n	(P-1965/88; A-4944)
		1019.45 n	(P-1965/88; A-4944)
		1020.60 n	(P-5665)
		1030.11 n	(P-3611)
		1030.70 am	(P-2076/88; A-7808)
		1030.85 am	(P-2395)
		1030.86 n	(P-1727/88; A-5192)
		1030.88 am	(P-2753)
		1030.89 am	(P-7892)
		1030.94 am	(P-3324)
		1030.99 n	(P-3324) (P-3611)
		1040.30 am	(P-1725/88; A-5162)
		1040.40 am	(P-1725/88; A-5162)
		1040.41 n	(P-2076/88; A-8659)
		1040.66 n	(P-1594/88; A-1593)
		1040.70 am	(P-1963/88; A-7802)
		1040.100 n	(P-2076/88; A-8659)
		1040.101 n	(P-2076/88; A-8659)
		1205.10 am	(P-1665)
		1206.20 am	(P-1671)
		1225.45 am	(P-1676)
		1235.10 n	(P-1704/88; A-4658)
		1235.15 n	(P-1704/88; A-4658)
		1235.20 n	(P-1704/88; A-4658)
		1235.25 n	(P-1704/88; A-4658)
		1235.30 n	(P-1704/88; A-4658)
		1235.35 n	(P-1704/88; A-4658)
		1235.40 n	(P-1704/88; A-4658)
		1235.45 n	(P-1704/88; A-4658)
		1235.50 n	(P-1704/88; A-4658)
		1235.55 n	(P-1704/88; A-4658)
		1304.10 n	(P-1338/88; A-4654)
		1595.1 n	(P-2097/88; A-7566)
		1595.5 n	(P-2097/88; A-7566)
		1595.7 n	(P-2097/88; A-7566)
		1595.8 n	(P-2097/88; A-7566)
		1595.10 n	(P-2097/88; A-7566)

This part of the Sections Affected Index lists only those Sections on which rulemaking is occurring in this issue of the Illinois Register. For previous action on these Sections in this volume of the Register, please refer to the first part of this index which begins on page SAI-1.

TITLE 23 (CONT'D)		
451.260	n	(P-9133)
451.270	r	(P-9082)
451.280	n	(P-9133)
451.290	n	(P-9133)
451.300	n	(P-9133)
451.310	r	(P-9082)
451.320	r	(P-9082)
451.330	r	(P-9082)
451.340	r	(P-9082)
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451.360	r	(P-9082)
451.370	r	(P-9082)
451.380	r	(P-9082)
451.390	r	(P-9082)
451.400	n	(P-9133)
451.410	n	(P-9133)
451.420	r	(P-9082)
451.430	r	(P-9133)
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451.480	r	(P-9082)
451.490	r	(P-9082)
451.500	n	(P-9133)
451.510	n	(P-9133)
451.520	n	(P-9133)
451.530	n	(P-9133)
451.540	n	(P-9133)
451.550	n	(P-9133)
451.560	n	(P-9133)
451.570	n	(P-9133)
451.580	n	(P-9133)
451.590	n	(P-9133)
451.600	r	(P-9082)
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455.050	r	(P-9082)

TITLE 80 (CONT'D)		TITLE 86 (CONT'D)	
2700.920 am (A-9308)		650.105 n (A-9383)	
2700.Ap. A am (A-9308)		650.110 n (A-9383)	
Ex. E am (A-9308)		650.115 n (A-9383)	
Ex. F am (A-9308)		650.120 n (A-9383)	
2700.200 am (A-9308)			
TITLE 83		TITLE 89	
590.10 am (P-9067)		120.393 n (P-9250)	
710.1 am (P-9076)		760.440 am (A-9329)	
		1200.20 am (A-9283)	
		1200.30 am (A-9283)	
		1200.40 am (A-9283)	
		1200.50 am (A-9283)	
		1200.60 am (A-9283)	
		1200.70 am (A-9283)	
TITLE 86		TITLE 92	
140.1401 am (A-9388)		1435.15 n (P-9070)	
140.1405 am (A-9388)		1435.20 am (P-9070)	
140.1415 am (A-9388)		1730.15 n (P-9061)	
160.150 am (A-9399)		1730.20 am (P-9061)	
160.155 am (A-9399)			
160.165 am (A-9399)			
180.101 am (A-9332)			
600.101 n (A-9336)			
600.105 n (A-9336)			
600.110 n (A-9336)			
600.115 n (A-9336)			
600.120 n (A-9336)			
600.125 n (A-9336)			
600.130 n (A-9336)			
600.135 n (A-9336)			
610.101 n (A-9348)			
610.105 n (A-9348)			
610.110 n (A-9348)			
610.115 n (A-9348)			
610.120 n (A-9348)			
610.125 n (A-9348)			
610.130 n (A-9348)			
610.135 n (A-9348)			
620.101 n (A-9357)			
620.105 n (A-9357)			
620.110 n (A-9357)			
620.115 n (A-9357)			
620.120 n (A-9357)			
630.101 n (A-9362)			
630.105 n (A-9362)			
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630.125 n (A-9362)			
630.130 n (A-9362)			
630.135 n (A-9362)			
640.101 n (A-9374)			
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640.125 n (A-9374)			
640.130 n (A-9374)			
640.135 n (A-9374)			
650.101 n (A-9383)			

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